

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 4386 OF 2015

Shri Hemant Vasuram Punjabi	...	Petitioner
V/s.		
The State of Maharashtra & anr. Ulhasnagar.	...	Respondents
Ms. Rohini Wagh for the petitioner.		
Mrs. S.D. Shinde, APP for the State.		

**CORAM : NARESH H. PATIL AND
A.M. BADAR, JJ.**

18th April, 2016.

P.C.

The petitioner prays for following main relief:

“(b) The directions may kindly be given to the Ulhasnagar Central Police Station to register FIR under section 255, 420, 465, 467, 468, 471, 34 of Indian Penal Code against the accused persons mentioned in the complaint dated 9/10/2015.”

2. It is the contention of the petitioner that while submitting surety in CC No. 1122/2013 before the JMFC, Ulhasnagar forged, fabricated

documents were produced by the accused therein in the year 2013. According to learned Counsel, petitioner is father of original complainant. It is submitted that a formal complaint was also placed on record before the concerned Magistrate. Learned Counsel placed reliance on the Supreme Court judgment in the case of ***Iqbal Singh Marwah v/s. Meenakshi Marwah {2005 AIR (SC) 2119}*** to submit that in the facts the directions are to be issued to the police to register the offence. The petitioner in his complaint addressed to the Senior Inspector of Police, Ulhasnagar Police Station on 9th October, 2015 contended that enquiry was made with the Gram panchayat officers, Sarpanch, Gram Sevaks and concerned authorities have given their opinion on their letter head regarding forged and fabricated documents furnished by the accused persons for furnishing false surety documents.

3. The grievance of the petitioner is that the police has not investigated offence so far. We have perused the record and the judgment cited supra. In the facts we are of the view that in case the petitioner is aggrieved, petitioner may resort to alternate statutory remedy in approaching the Magistrate for inviting orders under Section 156(3) of Criminal Procedure Code.

4. Keeping all issues on merits open, petition is disposed of.

(A.M. BADAR, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.