

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

WRIT PETITION NO. 200 OF 2003

Ramakant F. Nagare

... Petitioner

vs.

Ambu Hasha Shinde & ors.

... Respondents

Mrs. A. R. S. Baxi, Advocate for the petitioner.

Mr. V. V. Gangurde, A.P.P. for the State/respondent no.2.

Coram : Smt. R. P. SondurBaldota, J.

Date : 2nd February, 2017

P.C. :

1. This petition challenges the order dated 7th August, 2002 by which the trial Court directed enquiry under Section 156(3) of Criminal Procedure Code in Criminal Case No.535 of 2002 filed by the respondent. The only ground of challenge to the order is that the petitioner has already filed identical complaint against the respondent being Criminal Case No.107 of 2002 alleging commission of the same offences by the respondent. According to the petitioner the trial Court ought to have appreciated that the complaint filed by the petitioner against respondent no.1 and the complaint filed by respondent no.1 against him are based on the same set of facts. The parties to the petition are partners in M/s. Sagar Dairy. There are several disputes between them as well as several proceedings filed arising out those disputes.

2. Merely because the petitioner has also filed complaint

alleging the offences punishable under Section 406 and 420 r/w Section 34 of Indian Penal Code against the respondent no.1 and his wife, it cannot be said that respondent no.1 could not have filed complaint against the petitioner alleging the same offences. Thus there is no merit in the challenge to the order of issuance of process in Criminal Case No.535 of 2002. The petition is therefore dismissed.

[Smt. R. P. SondurBaldota, J.]