

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

CRIMINAL WRIT PETITION NO.1045 OF 2016

Vallabh Radhakisan Karva : **Petitioner.**
Versus
State of Maharashtra and ors. : **Respondents.**

Ms. Kshitija Sarangi for the Petitioner.
Mrs. M M Deshmukh, Addl. PP for the Respondent/State.

**CORAM : R. M. SAVANT &
SANDEEP K SHINDE JJ.**

DATE : 21st AUGUST, 2016

PC.

1 The writ jurisdiction of this Court is invoked for quashing the FIR dated 21/02/2016 bearing CR No.61 of 2016 lodged with the Jodbhavi Peth Police Station, Solapur for the offences punishable under Section 452, 365, 342, 323, 504, 506 r/w 34 of the Indian Penal Code. It is an undisputed position that the Petitioner is a partner of one Arti Finance Company which is engaged in the business of providing loans to the persons for purchase of vehicles. The said company has engaged recovery agents for recovery of the loans, one such recovery agent agreement dated 03/11/2015 is annexed to the above Petition at Exhibit A. It is on account of the acts of the recovery agent that a loanee has registered the FIR with the said Jodbhavi Police Station. The Petitioner seeks to deny his culpability on the ground that at the time when the

incident took place he was not present.

2 In our view, that would not be a good defence for the Petitioner as admittedly the Petitioner is a partner of the said Arti Finance Company which has advanced loans. The fact that the recovery agent has exceeded his authority conferred by the agreement would also not come to the aid of the Petitioner as the Petitioner in the capacity of being a partner of the principal which had appointed the agent would prima facie be bound by the acts of the agent. It is therefore not possible for us to accede to the relief sought by way of the above Criminal Writ Petition. We restrain ourselves from making any observations on merits lest it affects the case of the Petitioner in the trial. No case for exercise of jurisdiction under Article 226 of the Constitution of India read with Section 482 of the Criminal Procedure Code is made out. The above Criminal Writ Petition is accordingly dismissed.

[SANDEEP K SHINDE, J]

[R.M.SAVANT, J]