

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

**WRIT PETITION NO.3659 OF 2016
WITH
WRIT PETITION NO.3660 OF 2016
WITH
WRIT PETITION NO.3661 OF 2016
WITH
WRIT PETITION NO.3662 OF 2016
WITH
WRIT PETITION NO.3947 OF 2016
WITH
WRIT PETITION NO.3948 OF 2016
WITH
WRIT PETITION NO.3949 OF 2016
WITH
WRIT PETITION NO.3950 OF 2016**

Mrs. Priya Haresh Doulatani ... Petitioner
Versus
The State of Maharashtra and anr. ... Respondents

Ms.K.H.Rajani i/by Mr. Jaideep Thakker, Advocate for the
Petitioner in WP Nos. 3659/16 to 3662/16.

Ms.K.H.Rajani, Advocate for the Petitioner in WP Nos. 3947/16
to 3950/16.

Mr.S.R.Agarkar, APP for the State/Respondent No.1.

Mr.S.K.Dubey, Advocate for Respondent No.2.

CORAM : RAVINDRA V.GHUGE, J.

DATE : 20 MARCH, 2017.

P.C. :

1. In the first four matters, this Court (Coram:Revati Mohite
Dere, J.) by order dated 26th October, 2016 had granted interim

relief to the Petitioner in terms of prayer clause (b). These Petitions were therefore, admitted.

2. The other four Petitions i.e. Criminal Petition Nos. 3947 to 3950 are yet to be admitted, though this Court (Coram:Revati Mohite Dere, J.) has by order dated 22nd November, 2016 granted interim relief in terms of prayer clause (b) to the Petitioners.

3. Considering the above, these Petitions are also admitted as like the first four Petitions.

4. I have heard the learned counsel for the respective sides finally by consent in all these matters.

5. While admitting the first four matters, this Court had considered the contentions of the litigating sides in paragraphs No. 1 and 2, which read as under:

“Learned counsel for the Petitioner has tendered an Affidavit of the Petitioner stating therein, that she is not the partner of 'M/s. Shree Tirupati Greenfield Developers'. She has also stated that neither is she authorized to operate the Bank account of the said firm nor is she a signatory to the Bank account of M/s. Shree Tirupati Greenfield Developers. The said Affidavit

is taken on record.

Considering the said Affidavit and the documents in support thereof, Rule. Hearing is expedited. There shall be interim relief in terms of prayer clause (b) qua the Petitioner.”

6. The affidavit of Mr. Haresh Gurbux Doulatani, dated 5th October, 2016 who claims to be a partner of M/s Shree Tirupati Greenfield Developers, indicates that the Petitioner in all these eight matters namely Mrs. Priya Haresh Doulatani is not a partner in the said partnership firm, which was brought into existence by the Partnership Deed dated 28th April, 2011. The Deed of Partnership is placed on record indicating that besides Mr. Haresh Doulatani, Mr. Arvind S. Gupta and Mr. Sunil S. Gupta were the second and third partners respectively. The documents on record do not indicate in any manner whatsoever that the Petitioner herein was at any point in time the partner of the said partnership firm.

7. Learned counsel for the original complainant submits that he has not laid his hands, as on date, on any such cheques which would indicate that the Petitioner herein was either a partner in the said partnership firm or was a signatory to any of the cheques which have been dishonoured and for which the proceedings under Section 138 and 141 of the Negotiable Instrument Act are pending before the Competent Court.

8. It is quite clear that the signatory to the cheque or an Executive Director or a partner responsible for the financial transactions of the firm /company, can be arraigned in view of such persons being under an obligation to be accountable for such acts committed on behalf of the company/partnership firm. It does not appear from the record that the Petitioner is in any way the partner of the said firm or a signatory to a cheque issued on behalf of the said firm. There is also no document on record to indicate that she was authorized to issue any cheque for and on behalf of the said firm.

9. In the light of the above, these Petitions are allowed and the original proceedings in CC No.422/SS/2016, CC No. 428/SS/2016, CC No.429/SS/2016, CC No.430/SS/2016, CC No.484/SS/2016,CC No.485/SS/2016, CC No. 486/SS/2016, CC No.487/SS/2016, in which the Petitioner is impleaded as accused No. 3, shall stand quashed and set aside only to the extent of the Petitioner herein. The said proceedings before the Trial court in relation to the other accused shall proceed in accordance with law.

(RAVINDRA V.GHUGE, J.)