

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4049 OF 2013

M/s.Madhukrishna Gas Service & others	Petitioners
versus	
The State of Maharashtra and others	Respondents

Mr.PA.Pol with Mr.Sharad Suryawanshi, Mr.Rajesh Darvesh, Mr.Ranjit Hatkar, Mr.Shamsundar Bharadwaj i/by M/s.Pol Legal Juris for Petitioners.
Smt.S.V.Sonawane, APP, for State.

CORAM : S.C.DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.

DATE : 29th March 2017

PC :

1. This writ petition seeks quashing of the proceedings which are arising out of Essential Commodities Act and particularly the Control Order issued thereunder styled as Liquefied Petroleum Gas (Regulation of Supply & Distribution) Order, 2000.
2. Mr.Pol would submit that the officer who has allegedly seized the goods namely the cylinders, is not competent to do so and in law. Secondly, there is no offence much less of any technical nature which has been committed and therefore, the FIR be quashed.
3. Upon perusal of the writ petition and the annexures thereto so also the affidavit-in-reply, we are of the opinion that merely because the FIR is registered, does not mean that all contentions on the

legality and validity of the prosecution and incidental actions are foreclosed or cannot be raised in the proceedings before the competent Court. We have no doubt in our mind that if such contentions are raised and based on the grounds in writ petition, the competent Court will take due notice and cognizance of the same and will pass appropriate orders on merits and in accordance with law. We do not think that at this stage we should entertain a writ petition and particularly after the above clarification.

4. We clarify that it would be open for the Petitioner to adopt appropriate proceedings insofar as prayer clause (c) of this petition is concerned, and disposal of this petition will not, in any manner, mean that as far as that relief is concerned, the Petitioner cannot bring a substantive proceeding at a subsequent stage. With this additional clarification, the petition stands disposed of.

(PRAKASH D. NAIK, J.)

(S.C.DHARMADHIKARI, J.)