

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

WRIT PETITION NO. 4036 OF 2016

Shrikant Sakharam Adhav & Ors. ... Petitioners

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr.Rajendra Sorankar for the Petitioners.

Mrs.G.P. Mulekar, APP for the State.

PSI Yogesh Jadhav, Shahunagar Police Station, Mahim.

**CORAM : RANJIT MORE &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 9th JANUARY, 2017.

P.C. :

1] Heard Mr.Sorankar for the Petitioners and Mrs.Mulekar, learned APP for the State.

2] By filing this petition under Article 226 of the Constitution of India, the Petitioners are challenging the notice under Section 107 read with Section 111 of the Code of Criminal Procedure (CrPC) initiating chapter proceedings against them.

3] By the said notice, the Petitioners were required to show cause why necessary action under Section 107 of CrPC should not be taken. The Petitioners have not filed reply to this notice nor they remained present before the Special Executive Magistrate on 27th October, 2016, on which date they were directed to remain present.

The Petitioners have approached this Court directly.

4] Mr.Sorankar, learned counsel for the Petitioners, by inviting our attention to the provisions of Section 107 of CrPC, states that action against the Petitioners can be taken, in case the Petitioners are likely to commit breach of public peace and public tranquility. He submits that there is dispute between the Petitioners and the persons at whose instance this Chapter Proceedings are initiated. This dispute being private, the said proceedings could not have been initiated.

5] We have gone through the impugned notice annexed at page 59 of the compilation. Notice categorically states that the Petitioners, since last four to five years, have been harassing the witnesses and neighbours. Notice further disclosed, to satisfaction of the Special Executive Magistrate, that the Petitioners are likely to commit cognizable offence or wrongful act.

6] In the above circumstances, we are not inclined to entertain this petition under Article 226 of the Constitution of India.

7] Writ Petition is, therefore, dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]