

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

CRIMINAL APPLICATION NO.3213 OF 2001

Goolam E. Vahanvati
Advocate General for the
State of Maharashtra

.... Applicant

versus

Ashok Nebhandas Pamnani

... Respondent

.....

- None for Applicant.
- Mr.F.R.Shaikh, APP for Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
SARANG V. KOTWAL, JJ.
DATE : 13th DECEMBER, 2018.**

P.C. :

1. Heard learned APP for Applicant. Nobody appears for Respondent. Applicant (Goolam Vahanvati) filed this proceedings in his capacity as Advocate General for State of Maharashtra for declaring Respondent a vexatious litigant and to restrain him from filing any civil or criminal matter in any manner in Court without previous leave of this Court.

2. In this situation, as the matter is filed by the office of Advocate General, we have looked into it with the assistance of learned APP. Respondent - Ashok Pamnani, before this Court, is a private person. Rule has been issued in the matter on 27/01/2003 when the Respondent was present through his Counsel. Thereafter he has not filed any reply affidavit opposing the facts brought on record by learned Advocate General.
3. Facts show that because of some dispute with one Jhaman Bhagchand Madhwani, who happened to be brother of Kalpana. This Kalpana is the wife of Respondent. Kalpana was illtreated and suffered silently for a long time. After learning about it from her, brother Jhaman intervened. This infuriated Respondent and he told Jhaman to keep away and prohibited Jhaman from visiting the house. Therefore Jhaman and Kalpana decided to lodge complaint as against the Respondent and approached Police Inspector of Hill Line Police Station, Ulhasnagar. Police filed a Chapter Case and notice was issued to Respondent, who also agreed to execute a bond of good behaviour for six months.

4. However, he thereafter started filing false cases against Jhaman and his family members. Details of those cases are given by office of Advocate General in paragraph Nos.4, 5 and 6 of the Application. The Then Advocate General has supported the facts by personal affidavit and found substance in grievance of Kalpana and pointed out that husband of Kalpana (present Respondent) filed cases only to harass Jhaman.
5. In view of subsequent development, we need not delve more into this factual background.
6. On 27/01/2003 Counsel for Respondent made a statement that no legal proceeding is pending between parties and he thereafter told Court that it would not be necessary to pass any interim orders staying proceedings. This Court on that day observed that if the statement was found inaccurate, the Applicant could take out suitable Application. No such Application has been taken out thereafter. However on

12/06/2003 this Court directed learned APP to verify this fact. It appears that thereafter no such report has come on record.

7. This material on record thereafter shows that Court did not find it necessary to stay any proceedings as no such proceedings were pending. It also appears that thereafter no such proceedings are filed by Respondent in the matter. Respondent is described as a Director in a Private Limited Company and a Tax Practitioner.
8. We therefore find that, in this situation, interest of justice can be met with by restraining him from filing any proceedings against Jhaman or other relative of his wife Kalpana without seeking previous permission of this Court.
9. We accordingly make Rule absolute to this extent.
10. Criminal Application is accordingly disposed of.
11. No order as to costs.

(SARANG V. KOTWAL, J.)

(B. P. DHARMADHIKARI, J.)