

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

**CRIMINAL WRIT PETITION NO.1183 OF 2017**

Firoz Ibrahim Shaikh

.... Petitioner

versus

he State of Maharashtra & Anr.

... Respondents

.....

- Mr.Anil G. Lalla a/w Ms.Aanchal Lalla a/w Ms.Pooja Yadav a/w Beerta N. Bajwa & Mr.Aman Singh i/b. Lalla & Lalla, Advocate for Petitioner.
- Mr.Chirag Naik i/b. MZM Legal, Advocate for Respondent No.2.
- Mrs.S.D. Shinde, APP for Respondent/State.

**CORAM : B. P. DHARMADHIKARI &  
SARANG V. KOTWAL, JJ.**

**DATE : 13<sup>th</sup> DECEMBER, 2018.**

**P.C. :**

1. Heard respective Counsel.
2. Involvement of Petitioner/Original Accused No.2 is accepted on mere statement in report dated 03/06/2014 by informant that accused No.1 disclosed to him is being cheated by present Petitioner to the extent of Rs.55 lakhs, there is nothing else on record to implicate him. It is further submitted

that alleged offense if any against accused No.1, does not enable complainant to reach present Petition. It is pointed out that offence alleged to be committed by accused No.1 Wakil Ahmed is already compounded and that fact is noted in order of this Court dated 07/07/2015.

3. Learned Counsel appearing for Respondent No.2 submits that complainant did not lodge any report against Petitioner and his name has surfaced during investigation. Wakil Ahmed is still facing trial and charges against him are not dropped. Order dated 07/07/2015 passed by learned Single Judge of this Court is during anticipatory bail proceedings and takes care of only 50% of the amount, which complainant has lost. He also adds that in this situation there is nothing extraordinary and this Court should relegate Petitioner to trial Court for seeking discharge.

4. Learned Single Judge on 07/07/2015 while passing orders on Bail Application No.643/15 has taken note of payment

by Wakil Ahemed to complainant of Rs.15,00,000/- and handling over of post-dated cheques. It is not disputed that even today Wakil Ahmed is accused No.1 before trial Court and facing trial.

5. In this situation, we are not inclined to intervene in extra-ordinary jurisdiction. Granting the Petitioner liberty to take such other steps which are open in law, we dispose of the present matter.

6. Needless to mention that all other contentions are kept open.

**(SARANG V. KOTWAL, J.)**

**(B. P. DHARMADHIKARI, J.)**