

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 1703 OF 2018**

Narendra P. Nandu

....Petitioner.

Vs.

Chandralekha M.Gandhi and ors.

....Respondents.

Mr. Vimlesh Singh for the Petitioner.

Mr. Mr. S.S. Hulke, APP. for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 31st AUGUST, 2018.****P.C.:-**

1. By the present petition, the petitioner has assailed Order dated 6.4.2016 passed below Exhibit 1 in CC No.9/SW/2016 by the learned Metropolitan Magistrate, 49th Court, Vikhroli, Mumbai thereby dismissing his complaint under Section 203 of the Cr.P.C. and the Order dated 1.4.2017 passed by the Sessions Judge, Greater Bombay thereby dismissing the revision application preferred by the applicant.
2. Heard the learned counsel for the petitioner and the learned APP. Perused the record.
3. The record indicates that, the petitioner is an accused in proceedings initiated by respondent Nos. 1 and 2 under Section 138 of the Negotiable Instruments Act. It is the contention of the petitioner that, the alleged cheques in dispute in the said proceedings were

stolen or were forcibly taken into possession by respondent Nos. 1 and 2 and presented for realization which were dishonoured.

It appears from the record that, the complaint as drafted and presented before the Metropolitan Magistrate is sheer abuse of process of law and the petitioner herein intends to establish his defence in the said complaint to pressurize the complainants/Respondent Nos.1 and 2 in the said 138 proceedings for bringing them across the table for settlement. According to me the complaint presented before the Metropolitan Magistrate is not a bonafide complaint.

4. The learned Metropolitan Magistrate has not committed any error in dismissing the complaint at its inception under Section 203 of the Cr.P.C. There is no error committed by the revisional Court. There is concurrent findings recorded by both the Courts below .

5. Application is accordingly dismissed.

(A.S. GADKARI, J.)