

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

CRIMINAL APPLICATION NO.676 OF 2017

Kamlesh Dayaldas Teckchandani : Applicant.
Versus
The State of Maharashtra and anr. : Respondents.

**ALONGWITH
CRIMINAL APPLICATION NO.677 OF 2017**

Dayaldas Tanwarmal Teckchandani and ors. : Applicants.
Versus
The State of Maharashtra and anr. : Respondents.

Mr. S V Marwadi i/by Mr. Ashok M Bhatia for the Applicants.
Mrs. A S Pai, Addl. PP for the Respondent/State.
Mr. I P Hingorani i/by Mr. A A Pathan for the Respondent No.2.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 08th JUNE 2018

P.C.

1 At the outset the learned counsel appearing on behalf of the Applicant Shri S V Marwadi on instructions seeks withdrawal of the above Criminal Application No.676 of 2017, and further makes a statement that in so far as Criminal Application No.677 of 2017 is concerned, he would press the said Criminal Application only in respect of Applicant No.2 – Sarla Dayaldas Teckchandani with liberty to take appropriate recourse in the event charge sheet is filed . Statement accepted. The above Criminal Application No.676 of 2017 is accordingly allowed to be withdrawn and dismissed as such.

2 In so far as the above Criminal Application No.677 of 2017 is concerned, the learned counsel for the Applicants Shir S V Marwadi makes a statement that he would press the above Criminal Application only in respect of Applicant No.2 – Sarla Dayaldas Teckchandani with liberty to take appropriate recourse in the event charge sheet is filed . Statement accepted. The above Criminal Application is accordingly dismissed as withdrawn in so far as the Applicant Nos. 1 and 3 are concerned.

3 By the above Criminal Application which is now restricted to the Applicant No.2 – Sarla Dayaldas Teckchandani, the Applicant seeks quashing of the FIR bearing No.I-228 of 2016 registered on 14/05/2016 with the Central Police Station, Ulhasnagar, District Thane for the offences punishable under Sections 244, 420, 465, 467, 468, 471, and 120-B of the Indian Penal Code. The cause for registering the said FIR is on account of the alleged bogus surety furnished by the Applicant in compliance with condition of the bail order. As indicated above, the above Criminal Application filed on behalf of the other Applicants has been withdrawn. If the Applicant No.2 on whose behalf the above Criminal Application is being prosecuted. The Appellant No.2 is the mother of the husband of the Respondent No.2.

4 The learned Additional Public Prosecutor Mrs. A S Pai, on

instructions of Goraksha Wagh – PSI of Central Police Station, Ulhasnagar, District Thane states that the surety furnished on behalf of the Applicant No.2 Sarla Dayaldas Teckchandani is in order and cannot be called in question.

5 In view thereof, we find that this is a fit case where we should exercise our writ jurisdiction under Section 482 of the Criminal Procedure Code to quash the FIR in question in so far as the Applicant No.2 Sarla Dayaldas Teckchandani is concerned as the allegation in the FIR as indicated above is only in respect of surety which in the instant case is found to be in order. The above Criminal Application is therefore allowed and made absolute in terms of prayer clause (a) qua the Applicant No.2 Sarla Dayaldas Teckchandani. The above Criminal Application is accordingly disposed of.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]