

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**WRIT PETITION NO.4734 OF 2017**

George Santan Andre Ferrao & Anr.                 ]                 ... Petitioners

Versus

State of Maharashtra & Ors.                                 ]                 ... Respondents

Mr. Samir Sarambalkar i/b Manasi M. Bandiwadekar for Petitioners.  
Mr. K. V. Saste APP for State.

**CORAM :- B. P. DHARMADHIKARI &**  
**SARANG V. KOTWAL, JJ.**  
**DATE :- NOVEMBER 21, 2018**

**P. C. :-**

1.                 The offences alleged are under Sections 406, 420 and 354 read with 34 of the IPC.

2.                 Learned Counsel for the Petitioners submits that the original complainant (Respondent No.3) has expired and there are no relatives. Other contentions are that the Petitioner No.1 is now 85 years old while the Petitioner No.2 is about 60 years old.

3. Our attention is drawn to some letters penned by the complainant (allegedly) by which she has informed the Petitioners that action taken by her was at the instance of her niece Dolores Gonsalves. She has asked the Petitioners not to return the documents like bank passbook, checkbook, FDRs, etc. Our attention is also drawn to the Affidavit accordingly given by her. She also then filed proceedings before this Court for quashing cognizance of her report.

3. The letter allegedly written by the Respondent No.3 itself points out a niece named *supra*. The Petitioners have not disclosed anything about the custody of bank passbook, checkbook, F.D.R. etc.

4. Report dated 23/01/2016 presents the allegations of coercion and fraud. The allegations also show some ingredients sufficient to attract Section 354 of the IPC.

5. In this situation, accepting the defence, we cannot, at this stage, quash the FIR.

6. Needless to mention that our observations *supra* are only for the purposes of present order and shall not cause any prejudice to the Petitioners if the prosecution proceeds.

7. Leaving all contentions open, we reject the present petition. No costs.

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

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