

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

**WRIT PETITION NO. 4569 OF 2017**

Shri.Popat Sadashiv Jagtap & ors. ...Petitioners

Versus

Shri.Dilip Baliram Jagdale & Anr. ...Respondents

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Mr.A.N.Naikwadi for the Petitioners.

Mr.R.S.Kadam for Respondent No.1.

Mr.N.B.Patil, APP for Respondent No.2-State.

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**CORAM : S.S.SHINDE J.**

**DATE : 19 JUNE, 2019**

**P.C.:**

1. Rule. Rule made returnable with the consent of the parties and heard.
2. The learned Counsel appearing for the petitioners submits that there are several civil disputes pending between the petitioners and respondent No.1, and as the outcome of the said disputes, a false criminal complaint is filed by respondent No.1 against petitioners. It is submitted that allegations made in the complaint are not true. The incident as alleged in the complaint has never happened. Therefore,

relying upon the pleadings averred in the complaint and the grounds taken therein, and also annexures thereto, the learned Counsel appearing for the petitioners prays that the petition may be allowed.

3. On the other hand, the learned Counsel appearing for respondent No.1 submits that *prima facie* case was made out by respondent No.1 and, therefore, the learned Judicial Magistrate First Class, Indapur has rightly issued the process and summons to the petitioners.

4. Upon appreciating the rival contentions and perusal of the averments made in the complaint, this Court is of the opinion that the learned Magistrate was justified in issuing the process against the petitioners. After going through the allegations made in the complaint, the learned Magistrate was satisfied that *prima facie* case was made out by the complainant.

5. If the allegations made in the complaint are considered in its entirety and taken at its face value, it can not be said that the ingredients of alleged offences are not attracted. On perusal of the material on record, the alleged offences are disclosed. No case is made out for invoking extra ordinary writ jurisdiction of this Court, and also there is no

merit in the Petition. Hence, Writ Petition stands rejected. Rule stands discharged.

6. The observations made herein above are confined to the adjudication of the present petition only.

7. The learned Counsel appearing for the parties jointly pray for expeditious disposal of case i.e., OMA No. 569 of 2016 pending before the learned Judicial Magistrate First Class, Indapur.

8. In the peculiar facts and circumstances of this case, the learned Magistrate to make endeavour to expedite the hearing of the aforesaid case and decide it as expeditiously as possible.

**(S.S.SHINDE, J.)**