

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1470 OF 2019

**PRASHANT MAGAN BHADANGE
AND OTHERS**

... PETITIONERS.

VERSUS

**THE STATE OF MAHARASHTRA
AND OTHERS**

... RESPONDENTS.

Mr.Sachin Ramrao Pawar, Advocate for the petitioner.

Mr.R.M. Pethe, APP for State.

CORAM : A. M. BADAR, J.

DATE : 3RD MARCH 2020.

P.C.:

1. Heard learned counsel for the petitioner at sufficient length of time. He argued that paragraph 3 of the complaint itself shows that there was a civil dispute between the parties. Therefore, the learned trial court erred in issuing process against the petitioner under Sections 323, 354 read

with Section 34 of the Indian Penal Code.

2. I have considered the submissions so advanced and also perused the complaint. Paragraph 6 of the complaint is reflecting sufficient ground to proceed against the petitioners for offence punishable under Sections 323, 354 read with Section 34 of the Indian Penal Code. Truthfulness of the allegations can not be examined in the writ jurisdiction of this Court, as that would be determination on disputed question of facts.

3. Petition is, therefore, dismissed.

(A. M. BADAR, J.)