

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.585 OF 2022

RAJENDRA PUNJAJI BHALSHANKAR AND OTHERS

VERSUS

ROHIT SHIVAJI KADAM AND ANOTHER

.....
Advocate for Petitioners : Mr. P. D. Dadpe

.....

CORAM : SMT.VIBHA KANKANWADI, J.

DATE : 08-06-2022

ORAL ORDER :

1. Present writ petition has been filed for quashing the proceedings i.e. complaint bearing Cri. Misc. Application No.210 of 2022 pending on the file of 13th J.M.F.C., Beed against the petitioners for the offence punishable under Section 193 (2), 200, 419, 420, 465, 468, 471 r.w.120-B of I.P.C.
2. Heard learned Advocate Mr. P. D. Dadpe for petitioners. It is not even necessary to issue notice to respondent No.1/original complainant.
3. At the outset, it is to be noted that the learned Advocate for the

petitioners has taken this Court through the checkered history of litigation between respondent No.1 and the petitioners, however, we are not concern with those litigation. Merely because one person is filing various complaints that does not *ipso facto* lead us to infer that the present complaint is also false or is unsustainable in the eye of law. Only a fact will have to be noted is, that as per the chart given in the petition itself there are many cases pending between the parties.

4. Perusal of the copy of the present complaint i.e. Cri.Misc. Appln. No.210 of 2022 would show that the complainant is praying for investigation under Section 156 (3) of Cr.P.C. by arraying the present petitioners as accused persons. In fact except passing order "put for argument" no other order is passed on the said application/complaint. The petitioners cannot presume that any such order would be passed regarding sending the case for investigation under Section 156 (3) of Cr.P.C. The Court is yet to apply its mind and the petitioners cannot come to this Court by saying that that proceeding should be quashed. Every citizen has his right to knock the doors of Courts of law and then the procedure has been prescribed. The Constitutional powers of this Court under

Article 226 and / or 227 of Constitution of India cannot be exercised to stall a proceeding, and therefore, at this stage itself the petition deserves to be rejected, accordingly it is rejected.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.