

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

WRIT PETITION NO. 213 OF 2017

Haresh Ramesh Fulvare & Ors

....Petitioners

V/S

The State Of Maharashtra & Ors

....Respondents

Adv. Sanjay S. Patil for the petitioners.

Adv. A. R. Kapadnis, APP for the respondent-state.

**CORAM : NITIN W. SAMBRE &
R. N. LADDHA, JJ**

DATED : 11th JANUARY, 2023

P.C.:

1. The claim in the petition is, respondents-officers in violation of the mandate issued by the Apex Court in the judgment of ***Arnesh Kumar vs State of Bihar & Anr.*** reported in **(2014) 8 SCC 273** has arrested the petitioners and as such, the petitioners are entitled for compensation from respondent nos. 2 & 3 i.e. Senior Police Inspector and Sub-Inspector of Police, Kalyan Taluka Police Station.
2. Learned APP on instructions informs that the petitioners are already charge-sheeted.
3. In the aforesaid background, particularly having regard to the fact that the matter is subjudiced before the Court below this

Court is of the view that it shall be open for the petitioners to canvass the claim for compensation for illegal detention before the Court below based on the judgment of ***Arnesh Kumar (supra)***.

4. By granting such liberty to the petitioners to pursue the claim before the Court below, we do not intend to interfere under Article 226 of the Constitution of India.

5. The petition as such stands disposed of.

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(R. N. LADDHA, J)

(NITIN W. SAMBRE, J.)