

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

**WRIT PETITION NO.1396 OF 2023**

Bharat Mahadeo Kuvalekar ..... Petitioner.  
Vs.  
The State of Maharashtra & Ors. .... Respondents.

.....

Mr.C.P. Deogirikar, Advocate for the petitioner.

Smt.AS Pai, GP a/w Mr KV Saste, APP for State.

Mr. Kaushal Tamhane a/w Nihar Chitre i/b Dhanuka &  
Partners for respondent no.2.

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**CORAM: Nitin W. Sambre  
& R.N.Laddha, JJ.**

**DATE : 19 July, 2023.**

....

**P.C.:**

Heard.

2. The prayer is for quashing of the FIR No.7 of 2021 for the offence punishable u/s 447 of the Indian Penal Code as it

is the case of the prosecution that the petitioner has trespassed in the suit premises.

3. Contention of the learned Counsel for the petitioner is that the petitioner was in long standing settled possession of the suit premises as he was carrying on laundry business so also, he was business of agricultural goods, the suit premises. When confronted as to whether he can produce the evidence in support of the same so as to infer his settled possession, he is not in a position to demonstrate his settled possession by virtue of documentary evidence i.e. registration of the suit premises under the shop & Establishment Act and GST number.

4. In the aforesaid background, in absence of there being any document to infer settled possession of the petitioner over the suit premises, we deem it appropriate to dismiss the

present application as no sufficient material is available to infer settled possession of the petitioner over suit premises. However, we grant liberty to the petitioner to apply for discharge if so desired.

[R.N.Laddha, J.]

[Nitin W. Sambre, J.]