

GRM

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

CRIMINAL WRIT PETITION NO. 2613 OF 2022

Shabana Amjad Ali Syed & Anr. ... Petitioners
V/s.
 The State of Maharashtra & Anr. ... Respondents

CRIMINAL WRIT PETITION NO. 3113 OF 2022

Hameed Ahmed Shaikh ... Petitioner
V/s.
 The State of Maharashtra & Anr. ... Respondents

CRIMINAL WRIT PETITION NO. 3112 OF 2022

Syed Amjad Ali ... Petitioner
V/s.
 The State of Maharashtra & Anr. ... Respondents

Mr. Jagdish G. Shetty, Adv. for the Petitioners in all petitions.

Mr. Arfan Sait, APP for the State/Respondent.

Mr. Ravi Sardesai, ACP, Girgaon Division, Mumbai.

CORAM : R. G. AVACHAT, J.

DATED : JANUARY 3, 2023

P.C. :

1. Heard.
2. The challenge in these petitions is to the notice issued under Section 111 read with 107 of the Code of Criminal Procedure, 1973.
3. The learned Advocate for petitioners submits that it is a case of dispute between the landlady and the tenants. Post initiation of the Chapter Proceeding, the number of non-cognizable cases have

been registered against the petitioners herein. According to him, only a single FIR is registered against the petitioners. There is no cause for the authority concerned to initiate the Chapter Proceeding. He would further submit that the Magistrate concerned has directed to execute a interim bond to maintain peace of bit a good behaviour.

4. After having considered the submissions advanced by the learned Advocate for the Petitioners, the Court finds no support to the submissions made by the learned Advocate. It would be too premature to interfere with the proceeding initiated by issuance of notice under Section 111 read with 107 of the Code of Criminal Procedure, 1973. If at all the proceeding go against the petitioners, they have every remedy of an appeal thereagainst. They have no case made out for interference with the initiation of the judicial proceeding. The petitions, therefore, stand dismissed.

5. It is however made clear that the Magistrate in a proceeding under Section 107 read with Section 111 of the Code of Criminal Procedure, 1973 can not ask the respondents to execute interim bond to maintain good behaviour.

(R. G. AVACHAT, J.)