

GRM

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

CRIMINAL WRIT PETITION NO. 4360 OF 2015

Rajni Amarlal Ramrakhiani ... Petitioner

V/s.

Harish Nirmal Vachhani & Ors. ... Respondents

WITH

CRIMINAL WRIT PETITION NO. 4361 OF 2015

Rajni Amarlal Ramrakhiani ... Petitioner

V/s.

Kishore Girdharilal Thakur & Anr. ... Respondents

WITH

CRIMINAL WRIT PETITION NO. 4362 OF 2015

Rajni Amarlal Ramrakhiani ... Petitioner

V/s.

Anil Arjandas Ballani & Anr. ... Respondents

Mr. Amarlal H. Ramrakhiani, Adv. for the Petitioner.

Mr. A. R. Patil, APP for the State/Respondent No. 1.

Mr. Hemant D. Patil, Adv. for Respondent Nos. 1 & 2 in WP/4360/2015.

Ms. Prabha U. Badadare, Adv. for Respondent No. 1 in WP/4361/2015.

Mr. Pramod R. Arjunwadkar, Adv. for Respondent No. 1 in WP/4362/2015.

CORAM : R. G. AVACHAT, J.

DATED : FEBRUARY 16, 2023

P.C. :

Heard.

2. The petitioner in all these petitions, is the original

complainant in O.M.A. No. 412/2014 now R.C.C. No. 1/2015. It was a case filed for the offence punishable under Sections 406, 420, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860 (for short “**IPC**”). The Trial Court issued process against the respondents (original accused) in all these petitions. The respondents therefore took exception to the order of issuance of process by filing Criminal Revision Application Nos. 10/2015, 9/2015 & 3/2015.

3. Learned District Judge-3 & Additional Sessions Judge, Kalyan allowed the revision applications and set aside the order of issuance of process.

4. The grievance of petitioner/complainant is that the respondent-Anil Arjandas Ballani is her real brother. Their father Arjandas Ballani is said to have executed a Will and bequeathed about 98% of the property to respondent-Anil. According to the petitioner/complainant, the Will has been forged and fabricated.

5. After having heard both the learned Advocates for the petitioner and respondents, the matter was reserved for order.

6. During hearing of all the petitions, it was brought to the notice of this Court that the civil suit, challenging the Will, is subjudice. The petitioner has also asked for partition of her share in the family properties. As such, a subject matter of both civil and criminal proceedings is, whether the Will in question was a forged and fabricated document?. The suit is pending before the Trial

Court. This Court gave the petitioner proposal that if she withdraws all these petitions, the Court would direct the Trial Court to decide the suit on its own merits within a time-frame of 12(twelve) months. Learned Advocate for the petitioner urged for a time-frame of 6(six) months. Thereafter, the learned Advocate for petitioner came around and agreed to withdraw the petitions, without prejudice.

7. In view of the above, Criminal Writ Petition Nos. 4360/2015, 4061/2015 & 4362/2015 stand disposed of as withdrawn.

8. The Trial Court, seized of the civil suit, is directed to decide the suit on its own merits within a time-frame of 12(twelve) months from the date of receipt of a copy of this order.

9. Parties to the suit are expected to co-operate with the Court for early disposal of the suit.

10. The Trial Court shall decide the suit uninfluential by the fact of withdrawal of these writ petitions.

(R. G. AVACHAT, J.)