

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

Writ Petition No. 2207 of 2023

Chetas Control System Pvt. Ltd. & anr. ... Petitioners

v/s.

The State of Maharashtra & anr. ... Respondents

Mr Hiten Venegavkar i/b Harsh Dedhia for the petitioners.

Mr J P Yagnik, APP for the State.

Mr T D Deshmukh a/w. Anshuman Deshmukh for respondent No.2.

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

DATE : 5th July 2023

P.C. :

We have heard the respective counsels for sometime. The alleged offence is arising out of the Contractual obligations. The respondent-Complainant has approached the Judicial Magistrate, First Class, Pune through Criminal M.A. No.1837/22 which led to passing of the order dated May 13 2022 for an investigation in exercise of powers under Section 156(3) of the Cr.P.C.

2. It is so claimed by the counsel for the petitioner that the order impugned dated May 13 2022 is without consideration and suffers

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from non-application of mind as the Court has failed to record satisfaction of necessary ingredients from the complaint lodged by the respondent No.2. The aforesaid issue is squarely covered by the judgment of Apex Court in the matter of *Priyanka Srivastav v/s. State of U.P. & ors.*¹

3. In view of above, the impugned order dt. May 13, 2022 is hereby quashed and set aside. The Criminal M.A. No.1837/2022 stands restored to the file of Judicial Magistrate, First Class, Pune with directions to hear and decide the claim of the respondent-Complainant having regard to the observations made by the Apex court in the case cited supra.

4. The petition stands partly allowed in the above terms.

5. Learned Counsel for the respondent-Complainant assures that he shall be appearing before the Court of Magistrate on **24 July 2023**.

6. In view of above, we expect the Magistrate to consider and decide the claim of the petitioner expeditiously.

R.N. LADDHA, J.

NITIN W. SAMBRE, J.

Lata Panjwani, P.S.

¹ 2015 (96) scc 287