

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

Cri.Writ Petition No.885 of 2024

IDBI Bank Ltd.

... Petitioner.

Versus

The State of Maharashtra & Ors. ... Respondents.

Mr Girish Kulkarni, Sr. Advocate a/w Mrunmayee Kulkarni
a/w Siddharth Idnani i/by Ram Rakhani for petitioner.

Mr Arfan Sait, APP for respondent/State.

Mr Amardev Uniyal a/w Anand Oka a/w BK Mangale for
respondent No.2.

Coram : R. N. Laddha, J.

Date : 18 April 2024.

P.C. :

Heard learned Counsel for the parties.

2. The present petition is filed under Section 482 of CrPC for quashing and setting aside the complaint bearing No.11696/SS/2017 filed in the Court of Metropolitan Magistrate, 16th Court, Ballard Pier, Mumbai, alleging contravention of clause 25(2) of the Private Security Guards (Regulation of Employment and Welfare) Scheme, 2002, r/w Section 3 (3) of the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981.

3. It is the grievance of the petitioner that without passing any order of issuance of process, the learned Magistrate directly issued the summons to the petitioner. The learned Counsel for the respondent No.2 did not dispute this position.

4. Upon perusal of the material available on record, it is clear that the learned Magistrate has not passed any order or issuance of process. However, based on the notings in the roznama, the summons was issued to the petitioner. Hence, the matter is required to be remitted to the learned Magistrate for its fresh consideration. Accordingly, the matter is remitted to the Court of learned Magistrate for its fresh consideration. The Magistrate shall pass an appropriate order on its own merits in accordance with the law.

5. The petition stands disposed of accordingly.

6. It is made clear that this Court has not examined the merits of the matter and all contentions of the parties are left open.

[R. N. Laddha, J.]