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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

16 CRIMINAL WRIT PETITION NO. 1363 OF 2018

MAHESH MANOHAR KUBAL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr.L.D.Vakil, Advocate for the petitioner.
Mr.S.B.Jadhav, APP for the respondent/State.

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 29 SEPTEMBER 2025

PER COURT :

1. Heard the learned Advocate for the petitioner.
2. On last occasion, the learned Advocate for respondent No.2 was absent. Today also, he is absent.
3. The learned Advocate for the petitioner has tendered the copy of the order dated 08.03.2024 passed in Cri.WP No. 1325/2018 wherein this Court has allowed the writ petition preferred by Dr.Narendra Bhatt, who is accused No.2, thereby quashing and setting aside the complaint against him. According to the learned

Advocate for the petitioner, the role attributed to the present petitioner is similar as that of Dr.Narendra Someshwar Bhatt. According to the petitioner, he is nowhere concerned with the respondent No.2/ company. Company Master Data of complainant company shows that Ajay Agrawal and Nisha Ajay Agrawal are the Directors of the said company and having his registered office at C-702, Sumeet Sadan, B.K.Marg,Near Paradise, Mahim (West), Mumbai. The Company Master Data of accused No.1 company shows that Nisha Agrawal and Vilas Varaikar are the Directors of accused No.1 Company. The Director of the present company have authorized Vilas to file the complaint on behalf of the Company and he should have been arrayed as accused.

4. According to the learned Advocate for the petitioner, vague statements are made in the complaint and that accused Nos. 2 to 5 are looking after the day to day business of the company. There is nothing on record to show that what position the petitioner is holding in the Company. Since the another accused Dr.N.S.Bhat, on the same footing, has been discharged by this Hon'ble Court, *prima facie* case is made out by the petitioner.

5. Hence, the instant petition succeeds. The proceedings in SCC No.6704/2016, pending in the Court of learned Judicial Magistrate, First Class, Jalgaon, under Sections 138 and 141 of the N.I.Act, 1981 and u/s 204 of the Cr.P.C., 1973.

6. The petition stands disposed of accordingly.

(SUSHIL M. GHODESWAR, J.)