

sg

503.wp2695-24.docx

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

Criminal Writ Petition No.2695 of 2024

- 1) Smita Sudhir Patil
Age - 57 years, Occu- Homemaker
R/o. Flat No.9, Hiranyakeshi Apartment,
Surve Colony, Tarabai Park,
Kolhapur - 416 003 (Maharashtra)
- 2) Samarjeet Sudhir Patil
Age -33 years, Occu - Business
R/o. Flat No.9, Hiranyakeshi Apartment,
Surve Colony, Tarabai Park,
Kolhapur - 416 002 (Maharashtra)
- 3) Harshjeet Sudhir Patil
Age-35 years, Occu-Service
R/o. Flat No.9, Hiranyakeshi Apartment,
Surve Colony, Tarabai Park,
Kolhapur - 416 003 (Maharashtra) ... Petitioners

Versus

- 1) The State of Maharashtra
- 2) Suvarna Subhash Durge
Age-55 years, Occu- Agriculture
R/o.58, Shivaji Housing Society,
Rajarampuri 12th Lane
Kolhapur ... Respondents

Mr Tushar Sonawane, a/w. Mr Piyush Toshnival and Ms Pooja Satpute, i/b. Gaurav Nankar, for the petitioners.

Ms Sangita E Phad, APP, for respondent No.1/ State.

Mr Akash Murudkar, i/b. Manoj A Patil, for respondent No.2.

Coram: R.N. Laddha, J.

Date: 20 January 2025.

P.C.:

. Not on board. Taken on board.

2. Heard Mr Tushar Sonawane, the learned Counsel appearing on behalf of the petitioners; Ms Sangita E Phad, the learned Additional Public Prosecutor representing respondent No.1/State; and Mr Akash Murudkar, the learned Counsel appearing on behalf of respondent No.2.

3. The petitioners in this case are arraigned as accused in a private complaint filed by respondent No.2. The complaint led to issuance of process for offences punishable under Sections 465, 467, 468 and 193 of the Indian Penal Code.

4. The established legal principle is that this Court should exercise its inherent jurisdiction under Section 482 Cr.P.C. sparingly specifically, when the petitioners have the alternate and effective remedy of a revision before the Sessions Court, this Court, should refrain from entertaining an application under Section 482 Cr.P.C. However, if the revision fails, the

petitioners are not barred from approaching this Court under Section 482 Cr.P.C.

5. In light of the above, this Court is not inclined to invoke its inherent jurisdiction. The petition is disposed of accordingly, but the petitioners are granted liberty to file appropriate proceedings before the Sessions Court. Furthermore, the petitioners may seek condonation of any delay. 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.)