

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

Criminal Writ Petition No. 2495 of 2024

Sanskriti Building No. 18 To 21

Chs Limited And Ors

... Petitioners

versus

Ashok Kumar Gupta And Anr

... Respondents

And

Criminal Writ Petition No. 2497 of 2024

Nilesh Phatak And Ors

... Petitioners

versus

Ashok Kumar Gupta And Anr

... Respondents

And

Criminal Writ Petition No. 2805 of 2024

Shreeja Purohit And Anr

... Petitioners

versus

Ashok Kumar Gupta And Anr

... Respondents

And

Criminal Writ Petition No. 2806 of 2024

Ramesh J Sanghani

... Petitioner

versus

Ashok Kumar Gupta And Anr

... Respondents

Mr A Z Mookhtiar a/w Mr Bhushan Ove a/w V M Parkar, for
the petitioners in all WPs.

Mr Swapnil Pednekar a/w Mr Arfan Sait, APP, for the
respondent No.2/ State.

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RAJESH
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Coram: R.N. Laddha, J.

Date: 10 February 2025.

P.C.:

Heard the learned Counsel for the parties.

2. The petitioners are arraigned as accused in CC No.158/SW/2016 pending before the Metropolitan Magistrate, 17th Court, Borivali, Mumbai. The complaint led to the issuance of process for offences punishable under Sections 405, 406, 415, 417, 420, 463, 465 and 114 read with 120B of the Indian Penal Code. Aggrieved thereby, the petitioners have filed the above petitions under Section 482 of the Code of Criminal Procedure, 1973.

3. The established legal principle dictates that the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973, should be exercised sparingly. This is particularly relevant when the petitioners have the option to challenge the order of issuance of process through an alternative and effective remedy, such as filing a revision before the Sessions Court. In such cases, this Court should refrain from entertaining an application/petition under Section 482 of CrPC. However, it is important to note that if the revision fails, the petitioners are not barred from approaching this Court again under Section 482 CrPC for further relief. This ensures that the petitioners have multiple avenues for redress and can

seek justice through the appropriate legal channels.

4. In light of the above, this Court is not inclined to exercise its inherent jurisdiction. As a result, the petitions are dismissed accordingly. However, the petitioners are granted liberty to file appropriate proceedings before the Sessions Court. Additionally, the petitioners may seek condonation of delay, if necessary, ensuring that all procedural requirements are met for a continued pursuit of justice.

5. 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.)