

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

Cri.Writ Petition No.3616 of 2024

1. Shrikant Digambar Shitole
Age – 49 yrs, 2nd floor, Spring Avenue,
Springtime Club, Khadakpada Circle,
Kalyan West-421 301

2. Ms Nutan Vivek Jadhav
Age: 57 yrs,
2nd floor, Spring Avenue,
Springtime Club, Khadakpada Circle,
Kalyan West-421 301

3. Sandeep Nivrutti Jadhav
Age : 54 yrs,
Spring Avenue, Springtime Club,
Khadakpada Circle,
Kalyan West-421 301

Versus

1. Priya Panjwani
Age : 48 years, Occ: Homemaker,
R/o Flat No.D-1101 Sai Saakshaat Apts
Sec-6, Kharghar, Raigad-410210

2. The State of Maharashtra .. Respondents.

Mr Saurabh Butala for the petitioners.
Ms MR Tidke, APP for respondent/State.
Mr Akash Vijay for respondent No.1.

Coram : R.N.Laddha, J.
Date : 11 February 2025.

P.C. :

Heard the learned Counsel for the parties.

2. The petitioners, in this petition have been arraigned as accused in a private complaint, filed by respondent No.1. The complaint led to issuance of process for offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

3. The well established legal principle dictates that this Court should exercise its writ jurisdiction only in exceptional circumstances and with great caution. In particular, when the petitioners have alternate and efficacious remedy available such as the option to challenge the issuance of process order before the Sessions Court. It would be inappropriate for this Court to entertain the present petition at this stage. However, if the petitioners exhaust their remedy before the Sessions Court and their revision petition is unsuccessful, they are not barred from subsequently approaching this Court under the writ jurisdiction or inherent powers for appropriate relief.

4. In light of the the forgoing legal position, this Court finds no justification to invoke its writ jurisdiction in the present case. Consequently, the petition is dismissed. Nevertheless, the petitioners are granted liberty to pursue appropriate legal proceedings before the Sessions Court in accordance with the law. Furthermore, the petitioners may seek condonation of delay.

5. It is made clear that this Court has not examined the merits of the case.

[R. N. Laddha,J.]