

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

Criminal Writ Petition No. 6487 of 2024

1. Shree Vastucreation Developers
Add-Shop No.2, Ground Floor,
Sundaram Villa Co-op. Hsg Soc. Ltd.
Opp. Bhanusagar Theatre, Bhanunagar,
Kalyan West- 421 301.

2. Mr Vijay Pandurang Nikam
Age 42 years, R/o. Flat No.B-104,
'Dnyaneshwari', New Satara Samuh
CHS Ltd. Plot No. B/2B, Sector 12,
Kharghar, Navi Mumbai - 410 320.

3. Mrs Jayashree Rajaram Nikam
R/o. Flat No.B-104, 'Dnyaneshwari',
New Satara Samuh CHS Ltd.,
Plot No. B/2B, Sector 12,
Kharghar, Navi Mumbai - 410 320.

4. Mrs. Nirmala Anandrao Kachare
R/o. Room No.C/102, New Satara CHS
Plot No. 1, Sector 14, Koperkhairane,
Navi Mumbai - 400 709.

... Petitioners

versus

1. Singh Decorators
(through its Proprietor)
Mr. Balwant Nawab Singh
R/o. 414/415, Niharika Mirage,

Above Nexa Showroom, Near
Toll Plaza, Kharghar - 410 210.

2. The State of Maharashtra ... Respondents

Mr Ninad Muzumdar, for the petitioners.
Ms Manisha R Tidke, APP, for respondent / State.

Coram: R.N. Laddha, J.
Date: 22 January 2025

P.C.:

. Not on board. Taken on board.

2. Heard Mr Ninad Muzumdar, the learned Counsel appearing on behalf of the petitioners and Ms Manisha Tidke, the learned Additional Public Prosecutor for respondent No.2/State.

3. 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.

4. It is well established principle in law that this Court should exercise its inherent jurisdiction sparingly. Specifically, when the petitioners have the option to challenge the issuance

of process order through alternate and effective remedy of filing a revision before the Sessions Court. In these circumstances, this Court is not inclined to entertain this petition. However, if revision fails, the petitioners are not precluded from approaching this Court.

5. In light of the above, the petition stands dismissed, but the petitioners are granted liberty to file appropriate proceedings before the Sessions Court. Furthermore, the petitioners may seek condonation of delay, if any.

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

(R.N. Laddha, J.)