

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

Criminal Writ Petition No. 2458 of 2024

1. M/s. Klaus Warren Fixtures Pvt. Ltd.

(Through its authorized representative
Mr Narshi Mulji Shah)

A company, incorporated under
Companies Act 1956, Now 2013
Unit No.7, Nan Deep, Industrial Estate,
Kondivita Lane, Opp. Apana Dhaba,
Andheri East, Mumbai – 400 059.

2. Mr Narshi Mulji Shah

Aged about 92 years, Occ. Business,
2702, 27th Floor, Sunshine Infinity
CHS Ltd. Sumantai Mhatre Road,
Sewree Wadala, Scheme No.57,
Wadala (W), Mumbai – 400 031.

... Petitioners

versus

1. Employees State Insurance Corporation

(Through Social Security Officer)

Having its regional office at
108, N M Joshi Marg, Lower Parel,
Mumbai – 400 013.

2. The State of Maharashtra

... Respondents

Mr Pravin Gaikwad a/w Mr Nahush Shah, for the petitioners.
Ms Manisha R Tidke, APP, for respondent / State.

Coram: R.N. Laddha, J.

Date: 17 January 2025

P.C.:

. Not on board. Taken on board.

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

2. The petitioners in this case are arraigned as accused in a private complaint filed by respondent No.1. The complaint led to issuance of process for offences punishable under Section 138 of the Negotiable Instruments Act, 1981.

3. 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 option to challenge the issuance of a process order through the alternate and effective remedy of revision before the Sessions Court, this Court should refrain from entertaining petition under Section 482 Cr.P.C. However, if the revision fails, the petitioners are not precluded from approaching this Court under Section 482 Cr.P.C.

4. In light of the above, this Court is not inclined to invoke its inherent jurisdiction. The petition is dismissed 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.

5. The petition stands disposed of accordingly.

(R.N. Laddha, J.)