

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

CRIMINAL WRIT PETITION NO. 3470 OF 2024

Jyotiram Bandu Phadtare & Ors.

..Petitioners

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Gaurav Bhawnani a/w. Hari Rajguru a/w. Pankti Bhatt for
Petitioners.

Mr. S. V. Gavand, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.**

DATE : 26 MARCH 2025

PC :

1. This is a petition for quashing of the F.I.R. registered vide C.R.No.2 of 2019 at Colaba police station, on 09.01.2019, under sections 7 and 8 of the Maharashtra Essential Services Maintenance Act, 2011.

2. The gist of the F.I.R. is that the Petitioners who are the employees of The Brihanmumbai Electric Supply & Transport Undertaking, (for short 'BEST undertaking') went on strike on 08.01.2019 at about midnight. The F.I.R. was lodged by the

Respondent No.2-Senior Officer, Transport, BEST. The investigation is over and the charge-sheet is filed.

3. Learned counsel for the petitioners invited our attention to the order dated 11.01.2019 passed in PIL (L) No.4 of 2019 wherein a statement made on behalf of BEST Undertaking was recorded to the effect that the Administration would not take any steps which could be perceived as a vendetta against the employees. It was further stated that the Administration desired that the BEST Undertaking and the employees worked in a congenial atmosphere in the best interest of the aims and objects of its Undertaking to serve the people at large. In consonance with that statement, the BEST Undertaking had sent the letters to the Prosecuting Agency, which are annexed to this petition at Exhibit 'H' to 'L'; in which, the BEST Undertaking had requested the police authorities not to take any action against these employees i.e. the present petitioners. In spite of that the charge-sheet is filed.

4. Considering these submissions, it is necessary to hear the other side including the Respondent No.2. Based on the

submissions made by learned counsel for the Petitioners, they can be protected by way of ad-interim order.

5. Hence, the following order:

O R D E R

- i) Issue Notice to the Respondent No.2, returnable on 02.07.2025.
- ii) Stand over to 02.07.2025.
- iii) Till then, the Trial Court shall not proceed against the Petitioners.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)