

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

Cri.Application No.1138 of 2024

1. M/s Ellora Project Consultant Pvt Ltd.
Represented through its Director
Mr Ketan Belsare, Age -52 years,
having its address at Flat No.317-321,
Building No.7, Ninad Grih Nirman
Society, Kher Nagar, Bandra (E),
Mumbai-400 051.

2. Ketan Krishna Belsare
Age 52 years, Occ: Professional
Having address at
Flat No.317-321, Building No.7,
Ninad Grih Nirman
Society, Kher Nagar, Bandra (E),
Mumbai-400 051.

3. Pradeep Bhagoji Mudras
Age 51 years, Occ: Business
Having address at
Flat No.317-321, Building No.7,
Ninad Grih Nirman
Society, Kher Nagar, Bandra (E),
Mumbai-400 051.

... Applicants.

Versus

1. Ramesh Dharmaraj Yadav
Age:47 years, Occ: Service,

Having address at
Flat No.401, B Wing,
Shankar Wadi SRA CHS Ltd,
Behind Hub Town Viva Mall,
Jogeshwari (East), Mumbai-400 060

2. The State of Maharashtra
Represented by the office of the
Public Prosecutor High Court,
Mumbai.

..... Respondents.

Mr Nikhil Adkine, Advocate for the applicants.
Mr Swapnil S Pednekar, APP for respondent/State.

Coram : R.N.Laddha, J.
Date : 5 February 2025.

P.C. :

Heard Mr Nikhil Adkine, the learned Counsel appearing on behalf of the applicants and Mr Swapnil S Pednekar, the learned Additional Public Prosecutor representing the respondent/State.

2. The applicants, in this case are arraigned as an accused, in a private complaint bearing CC No.133/SW/2021, filed by respondent No.1. The complaint led to issuance of process for offence punishable under Sections 406, 420 of the Indian Penal Code.

3. The established legal principle is that this Court should exercise its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, sparingly. Specifically when the applicants have the option to challenge the issuance of process order through alternative and effective remedy of revision before the Sessions Court. This Court should refrain from entertaining the application under Section 482 of CrPC. However, if the revision fails, the applicants are not precluded from approaching this Court under Section 482 CrPC.

4. In light of the above, this Court is not inclined to invoke the inherent jurisdiction. The application stands dismissed accordingly, but the applicants are granted liberty to file appropriate proceedings before the Sessions Court. Furthermore, the applicants may seek condonation of delay.

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.]