

ANAND  
SUDHAKAR  
SUDAME

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3829 OF 2025

Digitally signed  
by ANAND  
SUDHAKAR  
SUDAME

Date:  
2025.07.24  
19:17:48 +0530

Prompt Toys Pvt. Ltd. & ors.

.Petitioners

*Versus*

Jamms Stock Brokers Pvt. Ltd. & anr.

.Respondents

---

Mr. Sumitkumar S. Nimbalkar, Mr. Bharat Shinde & Mr. Govind  
Mundhe, Advocates, for the Petitioners

Mr. H. J. Dedhia, APP, for Respondent No. 2 – State

---

CORAM : S. M. MODAK, J.

DATE : 21.07.2025

P. C.

1. Heard Mr. Nimbalkar, learned Advocate for the Petitioners –  
Original Accused.

2. On 13.09.2019, learned Metropolitan Magistrate, 33<sup>rd</sup> Court,  
Ballard Pier, Mumbai has issued process against them for the offence  
punishable under Section 138 r/w. 141 of the Negotiable  
Instruments Act, 1881.

3. The contention raised in this Petition is about the payment of  
amount of cheque. There is a Bank statement standing in the name  
of the present Petitioner No. 1 which is on page No. 13. According  
to him, it suggests payment of the amount of cheque to the

Complainant. In view of that, he has challenged the Order of issue process. In addition to that, reliance is placed on the Order dated 16.06.2025 passed by this Court (Coram : Madhav J. Jamdar, J.) in case of Prompt Toys Pvt. Ltd. & Ors. vs. Mehali Investment & Trading Pvt. Ltd. in W. P. No. 2756 of 2025. A copy of the Order is taken on record and marked as “X” for the purpose of identification. Paragraph 4 of the said Order records submission about the settlement. An amount of Rs. 10,00,000/- was paid to the Complainant. As per the settlement, money was sent by RTGS. Paragraph 5 of the said Order records about non-co-operation by the Complainant before the trial Court.

4. Similar submissions are made in this Petition. The conduct of the Complainant shows that the alleged settlement is not acceptable to him. So in this Petition, if the settlement is disputed, disputed questions cannot be dealt with in writ jurisdiction. For that purpose, agitating that issue before the trial Court is the best remedy.

5. In view of that I am not inclined to entertain this Petition. If the Complainant is not appearing before the trial Court, the Petitioners are at liberty to take re-course to the provisions of Section 256 of the old Code and request the trial Court for dismissing the complaint. If such request is made, the trial Court is at liberty to pass appropriate Orders.

6. If the Complainant appears before the trial Court even the present Petitioners are at liberty to request the trial Court for referring the matter to the mediation and if the matter is referred to

the mediation, if some way out is found, it can be settled also. In fact, in such cases, the trial Court's role should be pro-active and not simply recording the submissions.

7. With these observations, the Petition stands disposed of.

8. The Petitioners are further directed to seek circulation of connected Petition so that further Orders will be passed.

(S. M. MODAK, J.)