

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

Cri.Application No.388 of 2025

1. M/s HDFC Bank Ltd
Ground floor, Vikas Palazzo,
Jn.JN Road, Valji Lodha Road
Mulund (West), Mumbai-400 088

2. Mr Bhavesh Zaveri
Age: 64 yrs,
Executive Director, HDFC Bank House,
Senapati Bapat Marg, Lower
Parel (W), Mumbai 400 013

... Applicants.

Vs.

1. The State of Maharashtra
through the Public Prosecutor,
Office of the PP
High Court, Bombay.

2. The Security Guard Board
For Greater Mumbai & Thane,
D-301, E-301, Sanpada
Railway Station Complex,
Sanpada, Navi Mumbai 400 705.

3. Mr VS Patil, Inspector
Age : 54 yrs
The Security Guard Board,
For Greater Mumbai & Thane,
D-301, E-301, Sanpada
Railway Station Complex,
Sanpada, Navi Mumbai 400 705.

4. M/s Modern Facilities Pvt Ltd
6th floor, Atlanta Centre,
Sonawala Road, Goregaon (E)
Mumbai 400 063

... Respondents.

Mr KP Anilkumar a/w Priyanka Kumar for the applicants.
Mr Arfan Sait, APP for respondent/State.
Mr BL Mangale a/w Amardev Uniyal for respondents No.2
and 3.

Coram : R.N.Laddha, J.
Date : 9 April 2025.

P.C. :

Heard the learned Counsel for the parties.

2. The applicants in this case are arraigned as accused in a private complaint, bearing C.C. No.SS/13/2024, pending before the Metropolitan Magistrate, 16th Court, Ballard Pier, Mumbai. The complaint led to issuance of process for offences punishable under Sections 42, 13(1)(C) read with 3(3) of the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981.

3. It is a well settled principle of law that the inherent jurisdiction of this Court should be invoked with circumspection and exercised only in exceptional circumstances. This principle gains particular significance in

situations where the applicants have access to an alternative and efficacious remedy available under the law, such as filing a revision before the Sessions Court to challenge the order of issuance of process. In such instances, it is generally inappropriate for this Court to entertain the application under its inherent jurisdiction, as the applicants are expected to exhaust statutory remedy first. Nevertheless, it is pertinent to clarify that the dismissal of this criminal application on the ground of availability of an alternative remedy does not preclude the applicants from approaching this Court at a later stage. Should the revision before the Sessions Court be unsuccessful, the applicants retain the right to seek relief either by invoking the writ jurisdiction afresh or by filing an application under Section 482 Cr.P.C., thereby ensuring the avenues for redress remain open and accessible.

4. In light of the above, this Court does not find it appropriate to exercise its inherent powers at this stage. Accordingly, the application stands dismissed. However, liberty is granted to the applicants to initiate appropriate proceedings before the Sessions Court, in accordance with the law. The applicants shall also be at liberty to seek

condonation of delay, if required, and the Sessions Court shall consider such request on its own merits, ensuring that the applicants are not deprived of an opportunity to pursue justice due to technical procedural lapse. The learned trial Court shall defer the hearing of the trial till 19 April 2025.

5. The application stands disposed of accordingly.

[R. N. Laddha,J.]