Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 303 OF 2026

Charu Kishor Mehta ...Petitioner

Versus

State of Maharashtra and ors. ...Respondents

Mr. Aabad Ponda, Senior Advocate, a/w Minal Chandnani and Rajesh Ranglani, for the Petitioner.
Mr. D. J. Haldankar, APP for the State.

CORAM: N. J. JAMADAR, J.
DATED: 12th FEBRUARY, 2026

Order:-

1. Heard Mr. Ponda, the learned Senior Advocate for the petitioner.

2. This petition under Article 227 of the Constitution of India assails the legality, propriety and correctness of a judgment and order dated 24th December, 2025, passed by the learned Additional Sessions Judge, Greater Bombay, in Criminal Revision Application No.928 of 2025, whereby the revision application preferred by the petitioner – complainant against an order dated 28th July, 2025, passed by the learned Magistrate thereby dismissing the complaint being CC No.4/SW/2023 filed by the petitioner for the offences punishable under Sections

406, 409, 418, 420, 465 and 467 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code"), came to be dismissed by affirming the order passed by the learned Magistrate.

3. The petitioner filed the said complaint with the allegations that her husband and son were the Directors of a Company, Beautiful Diamonds Ltd. The said company had availed financial facilities from Oriental Bank of Commerce. The petitioner has allegedly mortgaged her flat situated at Usha Kiran Apartment, by way of security, for those financial facilities. Eventually, measures were taken to enforce the security and sale the said flat.

4. The petitioner alleges that after the petitioner examined the documents pertaining to the said financial facilities, namely, mortgage, loan agreement, letter of guarantee etc., the petitioner realized that those documents were forged. She realized that her signatures on those documents were forged. The petitioner had not executed those documents. On the basis of the false and forged documents, the respondent had obtained the possession of the said flat and sold the same.

5. By an order dated 28th July, 2025, the learned Magistrate was persuaded to dismiss the complaint observing that there was a chequered history of litigation between the petitioner and the financial institution and the petitioner had failed in all the proceedings up to the Supreme Court. In those proceedings, the petitioner had not raised the ground that the documents in question were allegedly forged. The allegations of making false documents and forgery of the signatures of the petitioner were creatures of afterthought. Thus, the offences punishable under Sections 406, 409, 418, 420, 465 and 467 read with Section 34 of the Penal Code were not *prima facie* made out.

6. Being aggrieved, the petitioner preferred revision application before the Sessions Judge. By the impugned order, the learned Additional Sessions Judge dismissed the revision application concurring with the view of the learned Magistrate that after the petitioner – complainant failed in the civil proceedings in relation to the mortgaged property, the complainant was making an effort to give a criminal flavour to the civil dispute.

7. Mr. Ponda submitted that the Courts below have approached the matter from an incorrect perspective. The observations of the learned Magistrate that, at no point of time, the petitioner – complainant had made allegations that the documents on the basis on which recovery proceedings were initiated were forged, is against the weight of the material on record. Attention of the Court was invited to the written statement filed by the petitioner in the original application before DRT in the month of July, 2003, wherein the petitioner had denied the genuineness of the documents and had contended that the documents were signed in blank and were not properly filled in when the signatures were put on those documents. Conceding that there was some delay on the part of the petitioner in approaching the learned Magistrate, Mr. Ponda would urge, nonetheless, an offence should not go uninvestigated and untried.

8. I am unable to persuade myself to agree with the submissions of Mr. Ponda. At the outset, it is necessary to note that, in exercise supervisory jurisdiction against an order passed by the learned Sessions Judge in exercise of revisional jurisdiction, the scope of inquiry gets further constricted. In the case at hand, both the Courts have justifiably recorded the finding that the petitioner – complainant after having lost in the civil proceedings up to the Supreme Court, has made an endeavour to give a criminal flavour to the civil dispute.

9. Reliance by Mr. Ponda on the written statement filed in OA, does not advance the cause of the submission on behalf of the petitioner – complainant as such written statement was filed prior to 20 years of lodging the complaint. The huge time-lag and laches on the part of the petitioner – complainant is also a factor which deserves to be taken into account.

10. The learned Magistrate as well as the learned Additional Sessions Judge, have correctly applied the principles which govern the issuance of process and interference in exercise of revisional jurisdiction, respectively, correctly. Therefore, in exercise of supervisory jurisdiction this Court does not find any legal infirmity in the impugned orders.

11. The revision application, thus, stands dismissed.

[N. J. JAMADAR, J.]