

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4028 OF 2016
WITH
CRIMINAL APPLICATION NO. 360 OF 2019
WITH
CRIMINAL WRIT PETITION NO. 4382 OF 2016
WITH
CRIMINAL APPLICATION NO. 361 OF 2019
WITH
CRIMINAL WRIT PETITION NO. 3019 OF 2016
WITH
CRIMINAL APPLICATION NO. 362 OF 2019

Lalit Babubhai Sanghavi And Anr ...Petitioners

Versus

Prithviraj Jaychand Oswal And Anr ...Respondents

Mr. Anand Shivaji Patil for the petitioners

Mr. Paritosh Oswal, party in person

Mr. S. H. Yadav, APP for the State

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CORAM : SHIVKUMAR DIGE, J.

DATE : 24th SEPTEMBER 2025

PC.:

CRIMINAL WRIT PETITION NO. 4028 OF 2016:

1. By this Writ Petition, the petitioner challenges the order dated 8th September 2016 passed by the learned Additional Sessions Judge, Kolhapur in Criminal Revision Application No. 77 of 2014. The petitioner had filed Criminal Revision

Application challenging the legality and correctness of order of issue process dated 3rd February 2014 passed by the learned Judicial Magistrate First Class, Kolhapur in Reg. Cri. Case No. 185 of 2014 for the offence punishable under Sections, 193, 465, 471 read with 34 of the Indian Penal Code and under Sections 417, 418, 420 read with 511 of the Indian Penal Code.

2. It is the contention of learned counsel for the petitioner that respondent no. 1 had filed complaint in respect of share transaction between Dr. Erram and Palladium Investment Pvt. Ltd alleging that the petitioners have forged signatures of Mrs. Erram in the transfer of the said share certificates. The shares were re-transferred in the name of Mr. and Mrs. Erram as per order of Civil Court, Satara. Mr. and Mrs. Erram in their lifetime never filed complaint against the petitioners. Respondent no. 1 has no locus standi to file private complaint but this fact is not considered by the Courts below and passed impugned orders which are erroneous. Hence, requested to allow the petition.

3. It is the contention of learned counsel for respondent no. 1 in person that the petitioners had forged the signatures of Mrs. Erram and got transferred 100 shares in their name. The

civil suit was filed by Mr. Erram before Civil Court, Satara and as per order of the Civil Court, the said 100 shares got transferred in the name of Mr. Erram. It shows involvement of the petitioners in the said crime. He has locus standi to file the complaint against the petitioner. The learned Trial Courts have passed a well reasoned order. No interference is required in it and requested to dismiss the Writ Petition.

4. I have heard both learned counsel, perused the impugned order. The allegations against the petitioners are of transferring share certificates of Mr. Erram's wife in their name by forging her signatures. It appears from the record that Mr. and Mrs. Erram had filed the civil suit. Accordingly, those shares were re-transferred in their name. So at present, shares of Mrs. Erram are not with the petitioners. Respondent no. 1 is not the relative of Mr. and Mrs. Erram. Hence, he has no locus standi to file private complaint against the petitioners as no personal rights of the respondent no. 1 have been infringed. Learned Sessions Court has not considered this fact. The learned JMFC also passed issue process order without considering this fact. The order of issue process against the petitioners is bad in law.

5. In view of above, I pass the following order:

ORDER

I. The Writ Petition is allowed.

II. The order dated 8th September 2016 passed by the learned Additional Sessions Judge, Kolhapur in Criminal Revision Application No. 77 of 2014 and issue process dated 3rd February 2014 passed by the learned Judicial Magistrate First Class, Kolhapur in Reg. Cri. Case No. 185 of 2014 are quashed and set aside.

6. Writ Petition No. 4028 of 2016 is disposed of in above terms.

7. In view of disposal of Writ Petition No. 4028 of 2016, Criminal Application No. 360 of 2019 is disposed of accordingly.

[SHIVKUMAR DIGE, J.]