

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 1041/2017

Dr. Ashok Gajanan Lanjewar & ors.

..VS..

Union of India & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.S. Shingane, Advocate for the petitioner(s)
Shri U.M. Aurangabadkar, Advocate for the respondent nos. 1 & 4
Ms. J. Dharmadhikari, Advocate for the respondent no. 5
Shri S.S. Doifode, APP for the respondent nos. 6 and 7
Shri R.R. Vyas, Advocate for the Intervenor

CORAM : Z.A.HAQ & VINAY JOSHI, JJ.

DATED : 27/03/2019

Heard.

The petitioners, claiming to be the investors, have filed this petition under Article 226 of the Constitution of India seeking directions against the respondent nos. 1, 2 and 3 to carry out investigation in the matter of alleged fraud reported vide FIR No. 156/2014 and FIR No. 373/2015. The petitioners pray that the respondent nos. 1, 2 and 3 be directed to undertake investigation in the matter through Serious Fraud Investigation Office.

The learned advocate for the petitioners has pointed out the communication issued by the Joint Director, Ministry of Corporate Affairs on 31/08/2016 to the Registrar of Companies, requesting him to examine the matter and take appropriate action. The Registrar of Companies is respondent no. 4 in this petition and is represented by the learned ASGI. Surprisingly, the respondent no. 4 has adopted the "hands off" policy. There is nothing on record to show that the

respondent no. 4 – Registrar of Companies has taken any action as per the communication dated 31/08/2016. The respondent no. 4 – Registrar of Companies has not filed any affidavit/reply in this petition. Though in the communication dated 31/08/2016, the Joint Director had asked the Registrar of Companies to take appropriate action and dispose the complaint made by the petitioners at the earliest and to send intimation to the complainant as well as to the Directorate, no further action is taken in the matter. The respondent no. 3 – Regional Director, Serious Fraud Investigation Office and the respondent no. 4 – Registrar of Companies shall file separate affidavits pointing out the steps/action taken on the complaint made by the petitioners on 07/06/2016 which is referred in the communication dated 31/08/2016.

On request made by the learned ASGI, three weeks time is granted to file affidavits.

List the petition for further consideration/hearing on 24/04/2019.

Criminal Application (APPW) No. 60/2019

For the reasons stated in the application, the applicant is permitted to participate in the proceedings as intervenor.

The criminal application is **allowed** accordingly.

JUDGE

JUDGE