

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

**CRIMINAL WRIT PETITION NO.1556 OF 2021**

Tushar Dileep Kothari

... Petitioner

Vs.

State of Maharashtra & another

... Respondents

Mr.Vikramsingh Parmar for the Petitioner

Ms.S.D. Shinde, APP, for Respondent – State

**CORAM: S.S. SHINDE &  
MANISH PITALE, JJ.**

**DATED: APRIL 6, 2021**

**P.C.:**

**1.** Learned Counsel appearing for the petitioner submits that on the date of freezing the accounts, First Information Report was not registered and, therefore, the action of the concerned police officer was not in accordance with law.

**2.** In response to the arguments of the learned Counsel appearing for the petitioner, the learned APP on the basis of written instructions, submits that now First Information Report No.6 of 2021 is registered on 10.3.2021 with the Cyber Police Station for the offences punishable under sections 498, 420, 34 of Indian Penal Code and under sections 66(c) and 66(d) of the Information Technology Act, 2000.

3. Since the First Information Report is already registered, we are not inclined to entertain this petition on merits, however, the petitioner would be at liberty to approach the concerned jurisdictional Magistrate.

4. In view of the above, the learned Counsel appearing for the petitioner, on instructions, seeks permission to withdraw the petition so as to invoke the jurisdiction of the concerned jurisdictional Magistrate. Leave granted. The petition is disposed off with liberty to the petitioner to invoke the jurisdiction of the jurisdictional Magistrate. In case, appropriate proceedings/application is filed before the concerned jurisdictional Magistrate, the said jurisdictional Magistrate shall decide the said proceedings/application in accordance with law, as expeditiously as possible, however, within two weeks from the date of filing such proceedings/application.

5. Writ Petition stands disposed off in the above terms.

**(MANISH PITALE, J.)**

**(S.S. SHINDE, J.)**