

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2876 OF 2021**

Suresh Chand Goyal

.....Petitioner

Vs.

The State Of Maharashtra & Ors.

.....Respondents

Mr. Rahul Agarwal a/w Yash Agarwal and Jasmin Purani for the Petitioner.
Mr. Rajiv Chavan, Senior Counsel a/w H.H. Nagi a/w Rinky Kanojia i/by
Nagi & Associates for the Respondent Nos. 2 and 3.
Ms. J.S. Lohakare APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
MILIND N. JADHAV, JJ.**

DATE : 17th OCTOBER, 2022.

PC.:-

By the present Petition, the Petitioner has prayed for quashing and cancelling the Notice bearing OW No.759/SrPI/Unit 7/EOW/21 dated 21st June 2021 issued by Senior Police Inspector, Economic Offence Wing, Unit-7 and the Preliminary Enquiry No.119 of 2021 initiated on the complaint of Mr. Ramesh S. Pilani and the Complaint filed by Respondent No.2 alongwith all the proceedings arising and emanating therefrom.

2) Mr. Rajesh P. Kewale, Inspector of Police, EOW has filed an Affidavit dated 6th December, 2021 and in paragraph No.20 thereof it has been stated that, the Complaint Application along with the documents collected during Preliminary Inquiry No.119 of 2021 have been sent to the

Senior Police Inspector, Andheri Police Station, Mumbai for further inquiry and necessary legal action at their end on 16th September, 2021.

It is a matter of fact on record that, the inquiry of the said Notice dated 21st June, 2021 has been further progressed and the police have filed necessary report with the concerned Authority in that behalf.

3) Mr. Chavan, learned senior counsel for the Respondent Nos.2 and 3, on instructions submitted that, as a matter of fact, the Respondent No.3 i.e. Mr. Ramesh S. Pilani has subsequently lodged a crime bearing No.0884 of 2022 dated 23rd August, 2022 with Andheri Police Station, Mumbai which has arisen out of the same Preliminary Inquiry No.119 of 2021 and is now being investigated by EOW, Mumbai.

4) In view of the above, present Petition challenging Notice bearing OW No.759/SrPI/Unit 7/EOW/21 dated 21st June 2021 issued by Senior Police Inspector, Economic Offence Wing, Unit-7 and the Preliminary Enquiry No.119 of 2021 initiated on the basis of a Complaint filed by Respondent No.3, does not survive and is accordingly disposed off.

5) It is made clear that, this Court has not gone into the merits of impugning lodgment of Crime No.0884 of 2022 dated 23rd August, 2022 registered with Andheri Police Station, Mumbai which is a subject matter of Writ Petition No.3393 of 2022.

(MILIND N. JADHAV, J.)

(A.S. GADKARI, J.)