

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

CRIMINAL APPEAL NO.1145 OF 2024

Ekta Parksville Homes Pvt. Ltd. and Ors. Appellants

Versus

The State of Maharashtra and Ors. Respondents

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Mr.Aabad Ponda, Senior Counsel i/b. Mr.Kunal Shinde a/w.
Mr.Karan Dua, Mr.Anant Singh, Advocate for the Appellants.

Ms.S.S. Kaushik, APP for Respondent – State.

Ms.Misbaah Solkar a/w. Janaid Thange and Savanya Salve,
Advocate for Respondent Nos.2 and 3.

API J.D. Thakur, Bolinj Police Station, Mira-Bhyander, Vasai-
Virar, present.

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***CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.***

DATED : 21st NOVEMBER, 2024.

P.C. :

1. On the previous date i.e. on 24.10.2024, we have recorded the statement of the learned APP about the registration of FIR No.0015 of 2024, by Bolinj Police Station, Mira-Bhyander, Vasai-Virar, pursuant to the directions issued on 29.09.2024 by Additional Sessions Judge, Vasai, Palghar.

Mr.Aabad Ponda, learned Senior counsel, however, offer a clarification by submitting that the order passed on 24.09.2024,

was passed on two applications filed under Section 156(3) of the Code; Miscellaneous Application No.51 of 2021, being filed by Mr.Surendarsingh Ajitsingh Negi and Mrs.Deepa Surendarsingh Negi, whereas Miscellaneous Application No.53 of 2024 was filed by Mr.Piyush Kantilal Chauhan and Mrs.Anita Piyush Chauhan seeking directions to the Senior Police Inspector Arnala Sagari Police Station, to register offence against the Respondents.

2. The learned Judge referred to the facts in Miscellaneous Applicator No.51 of 2024 as set out therein and noted that the facts of Miscellaneous Application No.53 of 2024 are identical and hence refrained from reproducing the same.

On consideration of both the applications, the learned Judge was satisfied that the averments made regarding commission of the offence punishable under Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act), is made out, and despite lodging of report for giving information to the police, police have not taken cognizance in respect to the cognizable offences, hence it was a fit case for issuing directions to the police station incharge to investigate the cognizable offence, and this direction came to be issued by exercising the power under Section 156(3) of the Code of Criminal Procedure.

Since both the applications were decided together, the Senior Police Inspection of Arnala Sagri Police Station was directed to investigate the offence, and submit the police report.

3. Mr.Ponda specifically points out that the statement

recorded in order dated 24.10.2024, do not give a correct depiction, as infact, C.R.No.0015 of 2024 registered with Bolinj Police Station, Mira-Bhyander, Vasai-Virar, is on the complaint of Piyush Kantilal Chauhan, and it had arraigned Ekta Parksville Homes Private Limited, alongwith its partners, as the accused.

According to Mr.Ponda, since the said complaint which also made reference to the complaint of Mr.Surendarsingh Ajitsingh Negi and Mrs.Deepa Surendarsingh Negi, and since the complaint filed by Mr.Piyush Kantilal Chauhan and Mrs.Anita Piyush Chauhan also covered their grievance, since the FIR now registered has taken cognizance of the complaint in MA No.51 of 2021, the directions issued by the Court on 24.09.2024, stand complied with.

As he has specifically urged before us that in respect of the same cause of action, there cannot be two distinct FIRs, the learned APP Ms.Kaushik concede to the position in law, and submits that by way of compliance of the directions issued by the Court on 24.09.2024, in Miscellaneous Application No.51 of 2024 and Miscellaneous Application No.53 of 2024, C.R.No.015 of 2024, is registered, and the order is duly complied with.

4. By recording the aforesaid statement, since no fresh FIR is to be registered on the complaint filed by Mr.Surendarsingh Ajitsingh Negi and Mrs.Deepa Surendarsingh Negi, Mr.Ponda, makes a categorical statement that he shall not press Appeal No.1145 of 2024. As a result of which, it stands disposed off.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)