



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

904 CRIMINAL WRIT PETITION NO. 1242 OF 2025

VINOD BABAN GADILKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr.Gajanan G. Kadam, Advocate for the petitioner.
Ms.A.S. Deshmukh, APP for the respondent-State.

CORAM : KISHORE C. SANT, J.
DATE : 03.09.2025

PC :-

01. Heard learned Advocate for the petitioner and learned APP for the respondent-State.
02. The petitioner has challenged an order passed by the learned Additional Sessions Judge, Ahmednagar dated 29.08.2025 directing the Inspector, Tophkhana Police Station, Ahmednagar to register an FIR, under section 175(3) of the Bhartiya Nyaya Sanhita.
03. Learned Advocate for the petitioner submits that the learned Sessions Court has not followed the procedure while passing the order. The complaint filed by respondent No.2 was not supported by an affidavit

or verification. Present petitioner is shown to be proposed accused No.10. He even filed an intervention application and has pointed out judgment in the case of **Priyanka Shrivastava Vs. State of U.P. reported in 2015 (6) SCC 287**. During the course of argument, he relied upon judgment in the case of **Kanishk Sinha and Ors. Vs. The State of West Bengal & Ors., reported in MANU/SC/0271/2025** and judgment in the case of **Babu Venkatesh & Ors. Vs. State of Karnataka and Anr., reported in 2022 LiveLaw(SC) 181**. He thus submits that inspite of pointing out legal position, the learned Judge has passed the order and has committed mistake. The order deserves to be quashed and set aside. The learned Advocate for the petitioner during the course of argument positively made statement that till now, no FIR is registered and therefore stay is required to be granted.

04. In view of the statement made by learned Advocate for the petitioner, this Court in the morning session had asked the learned APP as to whether by now the offence is registered. In the afternoon session, learned APP points out that now an FIR is registered bearing Crime No. 901 of 2025 with Tofkhana Police Station, Ahilyanagar, on 02.09.2025 for the offences punishable under sections 316(5), 316(4), 318(4), 3(5) of the Bhartiya Nyaya Sanhita, under sections 3 and 4 of the Maharashtra

Protection of Interest of Depositors Act and section 66-D of the Information Technology Act and section 3,5,23 of the Unregulated Deposit Scheme Act.

05. This Court finds that in absence of any challenge to the FIR, the petition need not be heard. The petition has, by now, become infructuous and same is dismissed as such. The petitioner is at liberty to take out appropriate proceeding.

[KISHORE C. SANT, J.]