



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

**909 CRIMINAL WRIT PETITION NO.1538 OF 2025**

1. Sandesh S/o. Subhash Zambad,  
Age-35 years, Occu-Business,  
R/o. N-4, Cidco,  
Chhatrapati Sambhajinagar
2. Bhuvan S/o. Subhash Zambad  
Age-22 years, Occu-Business,  
R/o. N-4, Cidco,  
Chhatrapati Sambhajinagar
3. Seema W/o. Subhash Zambad,  
Age-58 years, Occu-Household,  
R/o. N-4, Cidco,  
Chhatrapati Sambhajinagar

**...PETITIONERS**

**VERSUS**

1. State of Maharashtra
2. The Commissioner of Police,  
Chhatrapati Sambhajinagar
3. Police Inspector,  
Economic Offences Wing,  
Police Commissioner's Office,  
Dr. Babasaheb Ambedkar Marg,  
Chhatrapati Sambhajinagar
4. Sub-Registrar (Class II)  
Chhatrapati Sambhajinagar  
Old Collector Office Compound,  
Chhatrapati Sambhajinagar

**...RESPONDENTS**

Mr. Somnath G. Ladda, Advocate a/w Mr. Akshay P. Lohade, Advocate  
for the petitioners.

Mr. K. S. Hoke Patil, APP for the respondents/State

CORAM : ABHAY J. MANTRI, J.

DATE : 18<sup>th</sup> DECEMBER, 2025

ORAL JUDGMENT :

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally with the consent of the parties.

2. By this petition, the petitioners, challenging the issuance of notice dated 08-07-2024 by respondent No. 3 under Section 91 of the Code of Criminal Procedure (for short the '**Cr. P. C.**') as illegal, null and void.

3. The learned Advocate for the petitioners vehemently contended that the issuance of notice under Section 91 of the Cr. P.C. by the Police Inspector to the petitioners is illegal and beyond the purview of the mandate in Section 91 of the Cr. P. C. Therefore, the same is liable to be quashed and set aside. He further argued that said issue is covered by following judgments; Mayur Vasantlal Shetiya Vs The State of Maharashtra in Criminal Writ Petition No.1073/2024 dated 09-09-2024; Dr. Shashikant D. Kulkarni, Mumbai Indian Inhabitant Vs State of Maharashtra reported in 2007 SCC OnLine Bom 1191; Kartik Yogeshwar Chatur Vs Union Of India in Criminal Writ Petition No.321/2025 with connected matters dated 20-11-2025 and therefore urged for setting aside the impugned

notice.

4. On the contrary, the learned APP does not dispute the law laid down in the above-cited judgments of this court, as well as the Hon'ble Apex Court, as well as the mandate of section 91. However, he contended that there is a money trail. The father of the petitioners Nos. 1 and 2 was the Chairman of Ajanta Bank, who transferred the amount from Ajanta Bank to Soham Motors Pvt. Ltd. by presenting forged FDs on the OD. The same is reflected in the forensic audit, and a loan was taken on a fake OD. The forensic audit report confirms the same.

5. I have gone through the impugned notice. It appears that the Investigating Officer issued the same under section 91 of the Cr. P. C. and thereby directed the Sub-Registrar to restrain the petitioners from registering the documents. It further appears that the petitioners are not accused of the present crime. Thus, it seems that the Investigating Officer is not empowered to restrain the petitioners from registering the documents under Section 91 of the Cr. P. C., Apart from that, the issue in the case at hand is covered by the law laid down in the above-cited judgments. In view of the same, I find substance in the contention of the learned Advocate for the petitioners in that regard.

6. Thus, considering the above fact that settled position of law as well as the mandate in section 91, I am of the view that issuance of notice under section 91 of the Cr. P. C. by the Investigating Officer directing the respondent No. 4 to restrain the petitioners from registering the documents is illegal. The Investigating Officer is not empowered to do so; therefore, the issuance of notice under Section 91 to the registrar is beyond the purview of Section 91 and illegal, to the extent of the petitioners, and is liable to be quashed and set aside.

7. As a result, the petition is partly allowed in terms of prayer clauses- (b) and (d) to the extent of the petitioners. The issuance of notice dated 08-07-2024 under Section 91 of the Cr. PC. to the extent of the petitioners by the Investigating Officer is hereby quashed and set aside. The rule is made absolute.

8. As a sequel, the steps taken by the Investigating Officer pursuant to the same to the extent of the petitioners cannot be sustained in the eyes of the law.

9. Needless to clarify that if the Investigating Officer approaches the designated court, then he may take appropriate steps, which are in fact required legally to be adopted in the case of involving the offence under the MPID Act.

**[ABHAY J. MANTRI, J. ]**