



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 CRIMINAL WRIT PETITION NO.798 OF 2025

1. The Jalgaon Peoples Co-Op. Bank Ltd.
Through its Chairman,
Aniket Bhalchandra Patil
2. Bhalchandra Prabhakar Patil
3. Prakash Mangilal Kothari
4. Dilip Yashwantrao Deshmukh
5. Chandrakant Baliram Chaudhari
6. Surekha Vilas Kulkarni
7. Smita Prakash Patil
8. Rameshwar Anandram Jakhete
9. Chandan Sudhakar Uttarde
10. Aniket Bhalchandra Patil
11. Rajesh Dhirajlal Parmar
12. Jagdish Mannalal Agrawal
13. Hemant Prakashchandra Bhat

.. Petitioners

Versus

1. The State of Maharashtra,
Through Chopda Police Station,
Jalgaon.
2. Investigation Officer, (Police Sub-Inspector)
Jitendra Ashok Valte,
3. Sagar Kashinath Otari

.. Respondents

...

Mr. S. B. Deshpande, Senior Counsel i/b Mr. Tapan K. Sant, Advocate for the
Petitioners.

Mr. S. A. Gaikwad, APP for Respondents/State.

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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 24 JUNE 2025

ORDER :

. In view of our order dated 23.06.2025, the inquiry officer Mr. Jitendra Ashok Valte, Police Sub Inspector, Chopda City Police Station, Jalgaon, is present before the Court. Learned APP, upon instructions from him, submits that the inquiry is complete and the report was submitted to Sub Divisional Police Officer, Chopda Sub Division, District Jalgaon, however, he raised certain queries and returned the report for its re-inquiry in respect of seven points, which were found by Sub Divisional Police Officer, on which the inquiry is yet to be made. Learned APP also submits that the statement of three witnesses have been recorded and now, upon specific instructions from the officer present, learned APP makes a statement that the petitioners will not be called for inquiry.

2. The first and the foremost fact that is involved in the matter is that the complaint application which is stated to have been filed by respondent No.3 on 25.04.2025 is sought to be quashed and set aside. Here, on the basis of said complaint, FIR has not been lodged. As per the Hon'ble Supreme Courts decision in ***Lalita Kumari Vs. State of Uttar Pradesh and others, [2014 (2) SCC 1]***, the preliminary inquiry is

permissible, however, it should be completed within a period of seven days only. Therefore, though the complaint application appears to have been filed on 25.04.2025, yet even as per the complainant/respondent No.3, the offences is stated to be under Indian Penal Code and not Bhartiya Nyaya Sanhita and, therefore, the provisions of Bhartiya Nagrik Suraksha Sanhita will not be then applicable. We deprecate the practice of dragging the preliminary inquiry more than the period that has been granted under ***Lalita Kumari (Supra)***, however, coming back to the prayer, when it is the complaint application only and FIR has not been registered, there is no question of exercise of powers either under Article 226 of the Constitution of India or under Section 482 of the Code of Criminal Procedure.

3. At this stage, learned Senior Counsel, after getting instructions from the instructing Advocate and the petitioner, seeks withdrawal of the writ petition.

4. Hence, the writ petition stands disposed of as withdrawn.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm