

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

CRIMINAL WRIT PETITION NO. 6111 OF 2024

Zubeda Haji Salim Chunawala and Anr. ...Petitioners

Versus

State of Maharashtra and Anr. ...Respondents

**WITH
CRIMINAL APPLICATION NO. 345 OF 2024**

Farhaz Asif Lakhani and Anr. ...Applicant

Versus

The State of Maharashtra and Anr. ...Respondents

Mr. Mutahhar Khan a/w Kavisha Shah, Nikhat Chaudhary i/b India Law Alliance, for the Petitioners in Criminal Writ Petition No. 6111 of 2024.

Ms. M. M. Deshmukh, APP, for the Respondent-State.

Dr. Abhinav Chandrachud i/b Aditya A. Joshi, for the Respondent No.2 in Criminal Writ Petition No. 6111 of 2024.

Mr. Mubin Solkar a/w Anas Shaikh i/b Tahir Hussain, for the Applicant in Criminal Application No. 345 of 2024.

Mr. Adil Parsurampuria i/b Aditya Joshi, for the Respondent No.2 in Criminal Application No. 345 of 2024.

**CORAM : SARANG V. KOTWAL &
S.M.MODAK, JJ.**

DATE : 16th APRIL 2025

P.C. :

1. Today, our attention was invited to an order dated 28th March, 2025 passed by the Hon'ble Supreme Court in respect of the order dated 10th April, 2024, passed by a Division Bench of this court in Criminal Writ Petition (Stamp) No. 4281 of 2024 i.e. the final number as Criminal Writ Petition No. 6111 of 2024. The Hon'ble Supreme Court has issued certain directions in the said order dated 28th March, 2025 passed in Special Leave Petition (Criminal) Diary No. 15379 of 2025 in the present subject matter.

2. In the order dated 10th April, 2024, passed by a Division Bench of this Court in para 5 and 6 had issued directions as follows;

(5) Issue notice to Respondent No.2, returnable on 25th April,2024. Mr. Mundargi waives notice.

(6) In the meantime, no coercive action be initiated against the Petitioners qua the FIR.

3. This operative part of the order dated 10th April, 2024 fell for consideration before the Hon'ble Supreme Court in the

aforementioned Special Leave Petition. The Hon'ble Supreme Court has issued certain directions which can be summarized as follows;

- (i) The High court is directed to enquire with the State whether the investigation has been undertaken or not because the High Court had not stayed the investigation.*
- (ii) If the Investigating Officer has not undertaken any investigation so far, the High Court should ensure that the investigation is undertaken at the earliest in accordance with law.*
- (iii) The High Court should also ascertain from the State whether the accused persons have appeared any time before the Investigating Officer for the purpose of interrogation or not.*
- (iv) The Hon'ble Supreme Court has directed this Court to proceed further in accordance with law.*

4. In the connected Criminal Application No. 345 of 2024, the same Division Bench vide an order dated 28th March, 2024, had issued notice to the respondent No.2 therein and had also directed that in the meantime no coercive action be initiated against the applicant *qua* the FIR. The order of the Hon'ble Supreme Court shown to us today makes a reference to another Special Leave Petition (Criminal) Diary No. 15380 of 2025, we are informed that by the learned Counsel for the respondent

No.2 in Criminal Application No. 345 of 2024 that the Special Leave Petition No. 15380 of 2025 was against the order dated 28th March, 2024 passed in Criminal Application No. 345 of 2024.

5. In view of these specific directions, we direct the learned APP to file affidavit-in-reply apprising these particular issues immediately.

6. The affidavit-in-reply shall be filed as early as possible and in any case, before the next date with copies to the other side.

7. Learned Counsel for the original petitioner also wants to file an additional affidavit in respect of these issues. We permit him to file an affidavit to that effect. It shall be filed before the next date with copies to the other side.

8. The matter be listed on **22nd April, 2025. First on Board.**

9. Ad-interim order shall be continued till the next date in consonance with the directions given by the Hon'ble Supreme Court in the aforementioned Special Leave Petitions.

(S.M.MODAK, J.)

(SARANG V. KOTWAL, J.)