

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

Cri.Writ Petition No.409 of 2025

1. Javier Sotomayor De Zavaleta
An Adult, Age 53 years, Occ:Business
Ex-Managing Director of Cinopolis
India Pvt. Ltd.
Having address At Cinopolis, Ireo Grand
View Towers, 14th floor, Golf Course
Extension Road, Sector 58, Gurugram.
2. Miguel Mier Esparza
An Adult, Age 52 years, Occ: Business,
Director of Cinopolis India Pvt Ltd.
Having address at Cinopolis, Ireo
Grand View Towers 14 floor,
Golf Course Extension Road, Sector 58
Gurugram.
3. Muricio Vaca Tavera
An Adult, Age 54 years; Occ : Business
Director of Cinopolis India Pvt Ltd
having address at Cinopolis, Ireo Grand
View Towers, 14th floor,Golf Course
Extension Road, Sector 58, Gurugram.
4. Rodrigo Eugenio Perez Morales
An Adult, Age 50 years, Occ: Business,
Director of Cinopolis India Pvt Ltd
having address at Cinopolis, Ireo
Grand View Towers, 14th floor, Golf

Course Extension Road, Sector 58,
Gurugram.

5. Jorge Pablo Aguilar Albo
An Adult, Age 43 years; Occ : Business
Director of Cinepolis India Pvt Ltd
having address
At Cinepolis, Ireo Grand View Towers
14th floor, Golf Course Extension Road,
Sector 58, Gurugram.
6. Arturo Lopez Martin
An Adult, Age 52 years; Occ : Business
Director of Cinepolis India Pvt Ltd
having address at Cinepolis, Ireo Grand
View Towers, 14th floor, Golf Course
Extension Road, Sector 58, Gurugram .. Petitioners.

Versus

1. The State of Maharashtra
Through the office of the Public
Prosecutor, Appellate Side,
High Court, Bombay.
2. Office of Inspector of Legal
Metrology
Through Shri SA Joshi having
office at Thane, 1st Division,
Trunpushapa Society, Gr.Floor,
Louiswadi, Wagle Estate,
Thane (W)-400 604. .. Respondents.

Mr Pranav Badheka, Sr Advocate a/w Mr Aditya Mithe, Mr Sachin R Agawane, Mr Sarthak Rai for the petitioners.

Dr Ashwini A Takalkar, APP for respondent/State.

MR Gopichand B Pawar, Inspector of Legal Metrology, Thane, Division-I.

Coram : R.N.Laddha, J.

Date : 24 January 2025.

P.C. :

Heard Mr Pranav Badheka, the learned Senior Counsel appearing on behalf of the Petitioners and Dr Ashwini A Takalkar, the learned Additional Public Prosecutor representing the respondent/State.

2. By this Petition, the Petitioners seeks to challenge order dated 11 May 2023 ('the impugned order') passed by the Judicial Magistrate First Class, 2nd Court, Thane, in SCC No.9652 of 2021, whereby the learned Magistrate issued summons to the petitioners/accused. The order reads thus :

“Issue summons to Accused.”

3. The learned Senior Counsel contends that the learned Magistrate without taking cognizance of the offence and without issuing process order passed the impugned order

and summoned the accused. The learned APP also concedes this position and submits to pass an appropriate order.

4. In view of the above, the impugned order is quashed and set aside and the learned Magistrate is directed to proceed with the matter and pass a fresh order by adhering to the legal provisions. Accordingly, the petition stands disposed of.

5. It goes without saying that, if necessary, the Petitioners are free to seek legal recourse for their grievances if the occasion so arises. It is made clear that this Court has not examined the merits of the case, and all contentions of all the parties are left open.

[R. N. Laddha,J.]