

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2204 OF 2025

Namrath Nithyananda Shetty ...Petitioner

Versus

Suhas Parmeshwar Patil & Ors. ...Respondents

Mr. Amarlal Ramrakhiani i/by Mr. Vaibhav P. Shinde, Advocate for the Petitioner.

Mr. S.V. Gavand, APP for Respondent Nos.1, 2 & 6/State.

Mr. Jignesh Gor, Advocate for Respondent Nos.3 & 4,

Ms. Bijal Gogri i/by GNP Legal, Advocate for Respondent No.5.

CORAM : RAVINDRA V. GHUGE
&
GAUTAM A. ANKHAD, JJ.

DATE : 22nd JULY, 2025

P.C. :-

1. Office to permit Respondent No.5 to file the Vakilpatra of the learned Advocate.

2. The Petitioner has put forth the following prayers below Paragraph No.81.

“(a) Issue a Writ of Mandamus/Certiorari directing the Central Bureau of Investigation [CBI] or a Special Investigating Team [SIT] to :

(i) Register the offense.

- (ii) *Take over the investigation from IO/Respondent No.1/Shri Suhas Parmeshwar Patil.*
 - (iii) *Conduct the probe under continuous court supervision.*
 - (iv) *Submit progress reports to this Hon'ble Court at monthly intervals.*
- (b) Declare the investigation by IO/Respondent No.1/Shri Suhas Parmeshwar Patil as:
- (i) *Vitiated by bias, procedural irregularities, and violation of Sections 154 -176 Cr.P.C;*
 - (ii) *Contrary to the principles of natural justice and public trust doctrine.*
- (c) Quash investigation report dated 25.10.2021 filed by IO/Respondent No.1/Shri Suhas Parmeshwar Patil in Cr.M.A./2749/2019 at Ld. JMFC, Pune.
- (d) Direct the State Government/Concerned Authorities to:
- (i) *Provide full cooperation with the CBI/SIT.*
 - (ii) *Preserve and hand over all case-related documents/evidence within 72 hours to CBI/SIT.*
- (e) Direct Respondent No.2 to initiate appropriate disciplinary action against the erring IO/Respondent No.1/Shri Suhas Parmeshwar Patil for the omission, commission, and lackadaisical approach in investigating the case of public interest callously and irresponsibly.
- (f) Pass interim orders to:
- (i) *Restrain IO/Respondent No.1/Shri Suhas Parmeshwar Patil from further investigative actions.*
 - (ii) *Protect the Petitioner/Org. Compalinant/*

witnesses from harassment during the CBI/SIT probe.

(g) Grant costs of this Criminal Writ Petition and any other relief(s) this Hon'ble Court deems fit."

3. We have considered the submissions of the learned Advocates for the private parties and the Company, and the learned APP on behalf of Respondent Nos.1, 2 and 6. Keeping in view the application dated 16th January, 2025, filed by the Assistant Police Inspector, Lonikand Police Station, Pune City (Shri. Nilesh Ghorpade), addressed to the learned Judicial Magistrate First Class, Court No.6, Shivajinagar Pune, we do not find any need to deal with the entire submissions of the learned Advocates.

4. For the purpose of completing the narration, we are reproducing the submissions of the learned Advocate for the Petitioner, *verbatim*, in the light of the two charts tendered by him to the Court. The contents of the two charts are reproduced as under :-

<i>SN</i>	<i>Date / Period</i>	<i>Connected Event Described in the Affidavit</i>
<i>1.</i>	<i>2016 to 2018</i>	<i>IO/R.1/API Suhas Patil was disposing of the cases initiated during this period, under the instructions of his seniors.</i>
<i>2.</i>	<i>Order 12.12.2019</i>	<i>Ld. JMFC, Pune forwarded Criminal Misc. Application 2749/2019 to Lonikand Police Station for inquiry.</i>
<i>3.</i>	<i>23.03.2021</i>	<i>Lonikand Police Station brought under Pune-City Commissionerate, inheriting large pending caseload.</i>

4.	29.03.2021	<i>IO/R.1/API Suhas Patil posted at Lonikand Police Station; allotted 18 Part-V crimes, five ADR matters, and an M-case.</i>
5.	25.10.2021	<i>First investigation report filed before Ld. JMFC, Pune in Criminal Misc. Application 2749/2019.</i>
6.	01.01.2022	<i>Bhima-Koregaon Jay-Stambh gathering (~10-15 lakh); IO/R.1/API Suhas Patil handled security preparation for three months.</i>
7.	June 2022	<i>Assumed charge of Perne Police Chowki while still handling Lonikand investigations.</i>
8.	Order 29.06.2022	<i>Ld. JMFC, Pune ordered <u>further investigation</u> in Criminal Misc. Application 2749/2019 and directed report within one month.</i>
9.	Dismissal Order 02.08.2023	<i>Ld. JMFC, Pune dismissed Criminal Misc. Application 2749/2019 after Complainant's Purshis; report not submitted.</i>
10.	04.01.2024	<i>Complainant filed Criminal Revision Application REVN/13/2024 before Hon'ble Bombay High Court.</i>
11.	March 2024	<i>IO/R.1/API Suhas Patil began serving in the Economic Offences Wing, Pune City.</i>
12.	05.12.2024	<i>In the Hon'ble Bombay High Court proceedings, IO/R.1/API Suhas Patil filed an Affidavit dated 04.12.2024 explaining non-compliance of the order dated 29.06.2022 directing further investigation.</i>

SN	Date	Conduct attributed to the Investigating Officer (I/O)
1.	Order 11.12.2019 Pg. 159	<i>Ld. JMFC, Pune directed Lonikand Police Station, Pune to investigate matter under §202 CrPC and file a report by 30.01.2020.</i>
2.	25.10.2021 Pg. 171	<i>After 22 months, IO/R.1/Suhas P. Patil filed a perfunctory report that omitted the statements of the R.5, rendering it incomplete and biased.</i>
3.	Order 29.06.2022 Pg. 39	<i>Ld. JMFC directed IO/R.1/Suhas P. Patil to conduct further investigation within one month after finding 25.10.2021 dated report defective.</i>
4.	29.06.2022 to 14.06.2023 Pg. 15 > Pt. 31	<i>Despite nine successive court dates spread over Eleven Months, IO/R.1/Suhas P. Patil took no investigative steps, wilfully disobeying the Ld. JMFC's 29.06.2022 order.</i>
5.	Order 02.08.2023 Pg. 208	<i>Ld. JMFC <u>dismissed the complaint</u>, relying on deficient 25.10.2021 dated report.</i>

6.	<i>Order</i> 27.06.2024 REVN/13/2024 Pg. 281	<i>An officer sent by Lonikand Police Station Pune misrepresented the Single Judge of Hon'ble High Court hearing REVN/13/2024 that a fresh report had been filed; none existed when the Court reconvened on 18.07.2024.</i>
7.	<i>Order</i> 05.12.2024 REVN/13/2024 Pg. 44	<i>IO/R.1/Suhas P. Patil personally appeared before the Single Judge of Hon'ble Bombay High Court in REVN/13/2024 and filed a notarized affidavit dated 04.12.2024. IO/R.1/Suhas Patil promised to file fresh report within four weeks. Hon'ble Court set aside Ld. JMFC order dated 02.08.2023</i>
8.	<i>02.01.2025</i> Pg. 5 > Pt (vii)	<i>Four weeks deadline expired; no report was filed by IO/R.1/Suhas P. Patil at Ld. JMFC Court, Pune as promised to Hon'ble Bombay High Court on 05.12.2024.</i>
9.	<i>16.01.2025</i> Pg. 57	<i>One Police Officer, Nilesh Ghorpade sought "open-ended" extension of time from Ld. JMFC incorrectly labelling the application as 'further investigation report'.</i>
10.	<i>Order</i> 25.02.2025 Pg. 67 > Pt.6	<i>In its order, the Ld. JMFC referred the matter to Hon'ble Bombay High Court to report the conduct of the IO/R.1.</i>

5. In the light of the above and keeping in view that Shri. Suhas Parmeshwar Patil, the earlier Investigating Officer (I.O.) has been arrayed as a Respondent, we have noted that he was the Station House Officer with the Lonikand Police Station in 2022, up to August, 2023. Much could be said about his conduct as an I.O. in carrying out the investigation into the aspect of whether the Petitioner's signatures were forged on the loan documents tendered to Respondent No.5. This aspect was brought before the learned Single Judge of this Court in Criminal Revision Application No.13 of 2024. By an order dated 5th December, 2024, the learned Single

Judge has reflected on the conduct of Shri. Patil, in Paragraph Nos.2 and 3 of the order dated 5th December, 2024. For clarity, these two Paragraphs are reproduced hereunder :-

“2. After hearing the parties on 28.11.2024, this Court passed the following order:-

“1. Heard Mr. Ramrakhiani, learned Advocate for Applicant; Mr. Gor, learned Advocate for Respondent Nos.2 and 4 and Ms. Krishnaiyer, learned APP for the State.

2. In view of the issue involved in the present Criminal Revision Application (for short “CRA”), it needs to be heard finally so that appropriate order can be passed.

3. Briefly stated, Revision Applicant is aggrieved with the impugned order dated 02.08.2023, inter alia, dismissing his complaint under Section 203 of the Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) by the learned JMFC, Pune.

4. The principal ground to challenge the order is with reference to a specific direction contained in the previous order dated 29.06.2022 passed by the same Court, however, by the predecessor JMFC. This order is appended at Exhibit “C” – page No.32 of the CRA. By virtue of this order, directions were given to the Investigating Officer (IO) by the Court to carry out further investigation with reference to specific directions and observations of the Court in that order and file a report within a period of one month from the date of the order. That report ought to have been filed on or before 28.07.2022. Admittedly, it was not filed. Sequitur of this is that the IO has not complied with the said order.

5. Ground to challenge the impugned order is specifically with respect to the directions contained in the previous order dated 29.06.2022. Mr. Ramrakhiani, learned Advocate has candidly informed the Court that on 21.06.2023 complainant through his Advocate filed a pursis. While drawing my attention to the said pursis he would submit that complainant was virtually tired and harassed and resultantly filed the said pursis which is evident after reading the contents. He would submit that after passing of order dated 29.06.2022 the matter was listed before the Trial Court on 9 different occasions upto 14.06.2023 and adjourned without any orders. In that view, complainant filed the pursis to stop further inquiry under Section 202 of the Cr.P.C. as suggested by the Court. He would submit that not even once, the Court called upon the IO to comply with the order dated 29.06.2022.

6. Mr. Gor, learned Advocate for Respondent Nos.2 and 4 and Ms. Krishnaiyer, learned APP for the State would oppose the Application and would submit that it is at the Applicant / complainant's own volition that pursis was filed and the matter was heard finally leading to passing of the impugned order. Hence, it is now not open to him to re-agitate the same issue and re-visit the order dated 29.06.2022. I have perused the order dated 29.06.2022 and the impugned order. On going through both the orders, what I find intriguing is the fact that transactions involved in the present case have already been taken into cognizance in the report of the IO submitted previously in compliance of the previous order dated 11.09.2019. Inquiry was conducted by IO under Section 202 of Cr.P.C. and report dated 25.10.2021 was filed in the Court, which was taken on record and marked as Exhibit "11". It is only thereafter that the matter was heard by the learned Trial Court on 29.06.2022. The directions contained in paragraph Nos.4 and 5 of the order dated 26.06.2022 in the opinion of the

Trial Court would require further investigation as it would unearth the real facts in the case under investigation. The directions were given in view of the inadequacy of investigation seen from the previous report dated 25.10.2021 which was taken on record below Exhibit “11”.

7. In that view of the matter, directions contained in the order dated 29.06.2022 ought to have been complied with. Admittedly, record indicates that they have not been complied with. The concerned IO has gone completely scot-free and it is seen that between 29.06.2022 to 14.06.2023 even though the matter was listed before the Trial Court on 9 different occasions, the Trial Court did not find it necessary and suitable to seek an explanation from the IO for not filing the further investigation report. Hence, the IO is directed to file his personal Affidavit for not abiding by the order 29.06.2022 and explain to the Court the reasons for non-compliance of the directions contained in the said order. Such Affidavit of the IO shall be filed within a period of one week from today positively. IO shall explain the reasons for non compliance and filing of the report as directed by the said order dated 28.07.2022.

8. In so far as the merits of the present case in the CRA are concerned, the impugned order which is annexed at page No.27 of the CRA proceeds on the premise that Court will have to see whether there is evidence in support of the specific allegations of complainant and not whether the evidence is sufficient to warrant a conviction.

9. In this background, when the learned Trial Court itself came to a categorical conclusion that further investigation on the specific issue delineated in paragraph Nos.4 and 5 of the impugned order dated 29.06.2022 was required, it was the duty of the prosecution to ensure that the said order was

complied with and the further report was filed. I say this because there is a categorical direction for filing of further report by the IO under Section 202 in the impugned order in paragraph No.9, inter alia, relating to reflection of the monetary transaction and the fact that the accused has already paid the alleged amount. Nothing compelled the prosecution to comply with the directions contained in paragraph Nos.4 and 5 of the order dated 29.06.2024 to carry out further investigation and file the further report as called for by the Trial Court.

10. The impugned order when it refers to the report filed by the IO does not state the date of the report and it would be refer to the report dated 25.10.2021, which was taken on record and marked below Exhibit "11".

11. Merely on the basis of the above reason, which is the only reason stated, the impugned order has been passed dismissing the complaint. In that view of the matter, I am of the prima facie view that the impugned order is not sustainable. I shall hear the Respondents. However, private Respondents and the learned APP are at liberty to file additional Affidavit, if any, as directed by the IO to oppose the Application. Affidavits shall be filed within a period of one week from today.

12. IO in the present case is directed to remain present on the next adjourned date on VC. Ms. Krishnaiyer, learned APP is directed to give the VC link to the IO, on the date on which this matter will be listed on board.

13. Learned Advocates are directed to complete their pleadings on or before the next date.

14. Parties are directed to file their compilation, Affidavits, if any, if so desired and exchange the

same in advance with the other side so that on the next adjourned date this Court can hear the CRA and decide the same.

15. Stand over to 05th December 2024.”

3. In compliance of the above order, Ms. Krishnaiyer, learned APP has filed Affidavit of the Assistant Police Inspector, Economic Offence Wing, Pune City, inter alia, stating the reasons for inability of the I.O. to file fresh report as directed by the learned Trial Court and as delineated in the above order. I have perused the Affidavit dated 04.12.2024 and in view of the reasons stated therein, they prima facie appear to be believable. The reasons for the delay stand accepted, however with a caveat that in view of this Revision Application been decided by Court today, the concerned Assistant Police Inspector, Economic Offence Wing, Pune City, who is now the incumbent I.O. shall prepare a fresh report as per directions of this order.”

6. The Application made by the present I.O., Shri. Ghorpade, dated 16th January, 2025, is in fact a request to the learned Magistrate praying for certain directions for carrying out the investigation with regard to the signatures appearing on the loan documents and the signatures of the Petitioner to be taken under a procedure to refer the said signatures to the handwriting expert in order to seek a report as to whether the signatures match with those appearing on the loan documents or otherwise.

7. We are informed that the learned Magistrate is yet to pass an order on the said Application, though certain observations are made below Exhibit-01 in Criminal M.A. No.2749 of 2019, by him. He has adverted to the Application of the I.O., dated 16th January, 2025, drawing an impression that the conduct of the I.O. needs to be informed to the High Court.

8. We are of the view that it was the conduct of Mr. Patil, which needed scrutiny and by the order dated 5th December, 2024, the learned Single Judge has rendered a quietus to the said issue. Nevertheless, the process of law should endeavour to ensure that the investigation is done in the most upright manner and directions need to be issued to ensure that the investigation is rendered effective. Hence, without entering into an analysis of the observations of the learned Magistrate, we are of the view that the ends of justice would be made by issuing certain directions to the I.O., which could have been issued even by the learned Magistrate, and ensure that the handwriting expert's report is obtained in a sealed envelope.

9. The learned Advocate for the Petitioner submits that for considering the small issue of verifying the truthfulness of the

signatures of the Petitioner, has resulted in a passage of around more than five years, including the period of lockdown during the COVID-19 Pandemic. We quite foresee the anxiety expressed by the Petitioner and the grave hardships with manifest inconvenience suffered by him. Such suffering and inconvenience needs to be brought to an end.

10. In view of the above, we are issuing the following directions :-

(a) Respondent No.5 would handover the original loan proposal file bearing No.1035348, dated 31st July, 2018, pertaining to the Petitioner who is shown as a borrower, to the concerned I.O., Shri. Nilesh Ghorpade, till 5th August, 2025, from today.

(b) Simultaneously, the I.O. would initiate the procedure for obtaining the original signatures of the Petitioner by following the procedure as is prescribed in law and ensure that the said procedure does not suffer from any defects. This exercise of collecting the original signatures of the Petitioner would also be completed, on or before 5th August, 2025.

(c) The Petitioner would also tender admitted original signatures appearing on any bank or statutory records within the period of 2017 to 2019. Such documents would also be tendered, on or before 5th August, 2025.

(d) Within 15 days from collecting such documents, signatures and the loan proposal from Respondent No.5, the I.O. would tender the file to the handwriting expert attached to the CID at Pune.

(e) We direct the handwriting expert to ensure that his report is submitted to the I.O. in a sealed envelope, within a period of 30 days of having received the file from the I.O.

(f) The I.O. would open the sealed envelope in the presence of the Petitioner, who would be summoned to the concerned department by the I.O. After perusing the report, the IO shall tender his report under Section 202 of the Code of Criminal Procedure along with all annexures, as well as the hand writing expert's report, to the learned Magistrate, within a period of 15 days.

11. With the above directions, we leave it to the learned Magistrate to deal with the pending proceedings, expeditiously. After the perusal of report u/s 202 of the Code of Criminal Procedure, the original loan account file shall be returned to Respondent No.5.

12. In view of the above directions, this **Writ Petition is disposed off.**

(GAUTAM A. ANKHAD, J.)

(RAVINDRA V. GHUGE, J.)