

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRI. WRIT PETITION NO. 2248 OF 2025

Mr. Mehfuzali Mushahidali Sayyed & Anr. ...Petitioners

Vs.

1. The State of Maharashtra

2. Assistant Police Inspector, EOW ...Respondents

Mr. Rizwan Merchant with Ms. Deepali Kedar and Mr. Ajay Bhise for the
Petitioners.

Mrs. P. P. Shinde, Addl. PP for State.

API Mr.Vikas Adsul, Economic Offences Wing, Pimpri Chinchwad present.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.
DATE: 05 MAY 2025.

P.C.

1. Issue notice to the respondents, returnable on **26 June 2025**.
2. We have heard learned counsel for the petitioners as also learned Addl. PP for the State. We have perused the averments as made in the petition.
3. It appears that respondent no.2 has issued a summons dated 12 March 2025 to the petitioners purporting to initiate an inquiry on a complaint which was received from one Mr. Yogesh Vasant Wani. A copy of the said summons is annexed at page 15 of the paper-book. It appears that the dispute had arisen between Mr. Yogesh Wani on one hand and the petitioners on the other hand in respect of a contract subject matter of Memorandum of Understanding dated 09 September 2019, copy of which is annexed at Exhibit 'E' (page 40 of the paper-book). Also a civil suit being Special Civil Suit No. 904 of 2023 is pending before the Civil Court at Pune, which is filed by the petitioners' firm, impleading

the complainant through his company Cornice Realty Pvt. Ltd., as the defendant.

4. It appears that earlier complainant Yogesh Wani, on such transaction, had approached Ravet Police Station by making a complaint against the petitioners alleging commission of offences punishable under Sections 406, 419, 420, 465, 467, 468, 470, 471 and 120-B read with Section 34 of the Bharatiya Nyaya Sanhita (BNS). In this regard, our attention is drawn to a report dated 12 July 2023 whereby the Senior Police Inspector Mr. Shivaji Gavare for the detailed reasons as recorded in the said report, has come to the conclusion that the complaint as made by the complainant does not attract any cognizable offence and accordingly, the complaint was closed. It is after such closure report of the said complaint, the complainant approached respondent no.2.

5. In the aforesaid circumstances, in our *prima facie* opinion when a civil suit is pending as also there is a closure report by the officer in-charge of the jurisdictional police station, as to whether a fresh enquiry this time by respondent no.2 being initiated, would be an appropriate course of action, is required to be examined.

6. Let reply affidavit to this petition be placed on record on or before the adjourned date of hearing.

7. Till the adjourned date of hearing, there shall be interim stay to any further inquiry under the summons dated 12 March 2025 (Exhibit 'A').

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)