

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

CRIMINAL WRIT PETITION NO.2538 OF 2025

Dr. Rashmi Saluja .. Petitioner
Vs.
State of Maharashtra & Anr. .. Respondents

CRIMINAL WRIT PETITION NO.2254 OF 2025

Dr. Rashmi Saluja .. Petitioner
Vs.
Directorate of Enforcement & Anr. .. Respondents

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Mr. Amit Anand Tiwari, Senior Advocate with
Mr. Avinash Tripathi, Mr. Sankalp A. Sharma,
Mr. Ameya Vaidya, Mr. Jason Laishram, Advocates
for the Petitioner in both petitions

Mr. Zohaib Hussain a/w. Ms. Pranjal Tripathi and
Mr. Anil D. Yadav, Advocates for Directorate of
Enforcement.

Mr. S. V. Gavand, Additional Public Prosecutor for
State.

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**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 20th NOVEMBER 2025

P.C. :

WRIT PETITION NO.2538 OF 2025

The following prayers have been made in the writ petition:

- "a) this Hon'ble Court may be pleased to admit the present Petition;
- b) This Hon'ble Court be pleased to allow the present writ petition and pass a writ of Certiorari thereby quashing of FIR No.0355 of 2024 dated 06.09.2024 under section 420 & 120(b) of IPC registered with Matunga police station, District Mumbai, Maharashtra along with proceedings emanating therefrom qua the petitioner;

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c) *This Hon'ble Court be pleased to pass an order granting protection from any cocercive action against the Petitioner in connection with FIR No.0355 of 2024 dated 06.09.2024 under section 420 & 120(b) of IPC registered with Matunga police station, District Mumbai, Maharashtra, during the pendency of the present Petition;*

d) *This Hon'ble Court be pleased to pass an order staying the investigation into FIR No.0355 of 2024 dated 06.09.2024 under section 420 & 120(b) of IPC registered with Matunga police station, District Mumbai, Maharashtra until the final disposal of the present Petition;*

e) *This Hon'ble Court be pleased to pass any other order(s) that this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."*

2. Mr. Zohaib Hussain, the learned counsel for the Enforcement Directorate (in short, ED) informs the Court that a charge-sheet was laid after the investigation and the Court concerned has taken cognizance of the offence by the order dated 18th August 2025. In that view of the matter, the learned counsel for the ED submits that this writ petition has been rendered infructuous and the remedy available to the petitioner is to approach the jurisdictional Court challenging the order dated 18th August 2025 and seeking consequential relief.

3. On the other hand, Mr. Amit Anand Tiwari, the learned senior counsel for the petitioner refers to the decision in '*Pradyna Pranjal Kulkarni v. State of Maharashtra & Anr.*' 2025 SCC OnLine SC 1948 and, in particular, the observations made by the Hon'ble Supreme Court in paragraph no.8 that once a judicial order of taking cognizance intervenes, the power under Article 226 of the Constitution of India may not be available to the Court but the Court still would have the powers under section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to quash the First Information Report/charge-sheet and the order taking cognizance provided the same is placed on record along with requisite pleadings to assail the

same and a strong case for such quashing is made out. The learned senior counsel for the petitioner further refers to paragraph no.9 in '*Pradyna Pranjal Kulkarni*' and submits that a Division Bench of this Court can examine the writ petition seeking quashing of the First Information Report together with the charge-sheet and the order taking cognizance if the jurisdiction of the Court under section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is invoked.

4. At the request of the learned senior counsel for the petitioner, post this matter on 11th December 2025.

5. Parties may file affidavits bringing on record the subsequent developments.

WRIT PETITION NO.2254 OF 2025

6. Similar prayer has been made by the learned counsel for the ED as is made in Writ Petition No.2538 of 2025. The submission is strongly opposed by the learned senior counsel for the petitioner and states that the petitioner would be remediless.

7. The parties may file affidavits bringing on record subsequent developments.

8. Post this matter on 11th December 2025.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]