

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

CRIMINAL WRIT PETITION NO. 3339 OF 2025

Heena Dipesh Changrani

...Petitioner

Vs.

The State of Maharashtra

...Respondent

Adv. Anuj Tiwari	Advocate for the Petitioner
Mr. C. D. Mali	APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 30th JUNE 2025

P. C. :-

1. Heard learned Advocate for the Petitioner-first informant and learned APP.
2. The order dated 28.05.2021 passed by the Court of the Additional Chief Judicial Magistrate, Nashik is challenged. By the said order, the learned Judge has accepted the report submitted by Satpur Police Station under Section 169 of the Criminal Procedure Code. The contention is learned Judge has not heard him prior to passing of the

order.

3. The learned APP submitted the Petitioner ought to have filed a revision application. Principally, he is correct, but I am entertaining the writ petition simply for the reason that the impugned order came to be passed by bypassing the procedure. The law is prior to passing of order under Section 169 of the Criminal Procedure Code, the informant needs to be heard. When I read the order, nowhere it discloses that the Petitioner is heard. That is why the order needs to be set aside.

4. There is copy of the intimation dated 31.05.2021 given by the Satpur Police Station to the Petitioner. She was informed that the investigation is closed. The impugned order is dated 28.05.2021 and this letter is dated 31.05.2021. The Petitioner is also disputing that she received the letter in the ordinary course. She contends that she has collected copy of this letter as per the provisions of the Right to Information Act, particularly when the accused have filed Criminal prosecution against her for filing a false complaint.

5. Be that as it may, I am inclined to set aside the order, because the order does not reflect hearing of the first informant. Since this Court is not deciding the matter on merits, I have not heard the accused and

even they have not been joined as party-Respondent.

6. In view of that following order is passed:-

ORDER

- (i) Writ Petition is allowed.
 - (ii) The order dated 28/05/2021 passed by the 09th Additional CJM, Nashik thereby accepting report under Section 169 of the Criminal Procedure Code is set aside.
 - (iii) The learned Judge is directed to decide the application afresh by hearing the concerned Parties including the investigating officer, the first informant and the accused.
 - (iv) The Petitioner is directed to appear before the concerned Court on 07th July 2025.
7. This Court has not expressed any observations about the merits.

[S. M. MODAK, J.]