

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

CRIMINAL WRIT PETITION NO. 3496 OF 2025

Yujin Deepak Gupta

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Bhalchandra Shinde a/w Mr. Ganesh Pawar, Advocate for the
Petitioner.

Mr. Y.Y. Dabake, APP for the Respondent – State.

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

DATE : 8th JULY, 2025

P.C. :-

1. The Petitioner has lodged a criminal complaint dated 7th February, 2025 with the Sinnar Police Station, Taluka Sinnar, District Nashik. *Prima facie*, we find that an offence is made out. Yet, no First Information Report (FIR) is registered. *Ex facie*, this has worked to the advantage of the Accused.

2. When called upon, the learned APP submits, on instructions, that since the alleged acts of forgery and deceit are in relation to a sale deed dated 16th February, 2023, and because the

Petitioner did not place the sale deed on record along with her complaint, the FIR could not be registered.

3. The learned Advocate for the Petitioner relies upon the Judgment in *Lalita Kumar V/s. Government of U.P. & Others, (2014) 1 SCC (Cri) 524*, which prescribes the procedure for registering the FIR. For five months, the complaint is kept pending. The Petitioner is a widow. The Accused are persons who have allegedly taken undue advantage of the grave illness of the deceased husband and have transferred the properties in their names.

4. We could have initiated a disciplinary inquiry under Section 10 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005. The earlier Investigating Officer, Mr. Dilip Rathod deserves to be asked for an explanation. Mr. Dilip Rathod has relinquished his charge on 1st July, 2025 to join the Buldhana District. The instructing Police officer states that now an FIR will be registered if a copy of the sale agreement is tendered to the Police Station.

5. The learned Advocate for the Petitioner tenders a copy of the sale agreement in this Court and supplies a copy to the learned APP. Since the presence of the Petitioner, as a complainant, is necessary and she is reaching India on Friday, we record that she will visit the Sinnar Police Station on Saturday i.e. 12th July, 2025 in between 11:00 a.m. to 2:00 p.m. and the FIR would be registered.

6. In view of the above, we have recorded the statements made before the Court and this **Writ Petition is disposed off.**

7. We call upon the learned APP to place this order before Respondent No.4, District Superintendent of Nashik Rural, to call upon the above mentioned Police Officer Shri Dilip Rathod, to explain the delay in this matter. If he is found to have indulged in delay in the discharge of duties, we expect at least a warning to be issued to Mr. Dilip Rathod and the said warning should be recorded in his service book.

(GAUTAM A. ANKHAD, J.)

(RAVINDRA V. GHUGE, J.)