

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

CRIMINAL WRIT PETITION NO.3607 OF 2025

Zee Entertainment Enterprises Ltd.

...Petitioner

Versus

The Inspector of Police,
at the instance of Nodal Cyber Police
Station, Mumbai & Ors.

...Respondents

Mr. Sanjog S. Parab, Senior Advocate a/w. Ms. Sulabha Rane,
Ms. Sakshi Baadkar, Mr. Pranjal Pandey and Mr. Sangram Parab i/b.
Mr. Mohan Rao for the Petitioner.

Mr. S.V. Gavand, Addl. PP for the Respondent/State.

Mr. Veer Kankaria (through VC) a/w. Mr. Gaurav Shukla for
Respondent No.4.

**CORAM : RAVINDRA V. GHUGE &
GAUTAM A. ANKHAD, JJ.
DATE : 16th JULY, 2025**

P.C. :-

1. On 8th July, 2025, we had dictated an order. However, before formalising and signing it, we noticed that although the learned Advocate Mr. Kankaria had appeared on behalf of Mr. Mahendra Sanjay Sharma, the person claiming to be the original Complainant, he had not been added as a Respondent. So also, the Police Officer Shri Prafull Wagh had not filed an affidavit. Hence, we have listed this Petition today.

2. Leave to add Mr. Sunil Mahendra Sharma, Complainant, as Respondent No.4.

3. The learned Advocates Mr. Kankaria and Mr. Shukla submit that, since Mr. Mahendra Sanjay Sharma had appeared before this Court and he claims to be the Complainant Mr. Sunil Mahendra Sharma, they are filing the Vakalatnama on behalf of the Complainant. The Vakalatnama is accepted on record in the open Court.

4. On 4th July, 2025, we had passed the following order :

“1. This matter was mentioned at 11.00 am expressing grave urgency.

2. After briefly noting the version, we placed the matter on the production board and requested the learned APP to take instructions.

3. The Petitioner received a notice dated 30th June, 2025 under Section 168 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023). The subject was ‘Refrain from Making Objectionable or Controversial Statements’. A reference was made to ‘Complaint received against “Tum Se Tum Tak” TV Serial’. The following is the text of the notice drafted by Shri Prafull Wagh, Police Inspector, Nodal Cyber Police Station, Maharashtra Cyber, Mumbai :

“The Office of the Additional Director General of Police, Maharashtra Cyber,

serves as the Nodal Office for all cyber-related crimes in the State of Maharashtra. With reference to the above subject, you are hereby advised to refrain from arising the telecast of the aforesaid show “Tum Se Tum Tak” until the completion of the enquiry, as per the provision of Section 168 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

Failure to comply with these directives may result in serious legal consequences”.

4. The learned APP has been briefed by Shri Prafull Wagh, Police Inspector, Nodal Cyber Police Station, Maharashtra Cyber, Mumbai. On instructions, he tenders a photostat copy of the communication dated 3rd July 2025, bearing the subject 'Closure of application inquiry'. The said communication is taken on record and marked as 'X-1' for identification.

5. When called upon, the learned APP is instructed to state that this communication was sent to the Officer of the Petitioner, who has verified this Petition, via WhatsApp message at 12:00 noon today. Therefore, a reason to doubt that this is an ante-dated communication.

6. We could have disposed off this Petition in the light of the closure of the complaint. However, the learned Senior Advocate representing the Petitioner submits that an Officer of the Petitioner himself went to the address of the purported Complainant, Shri Sunil Mahendra Sharma, which is mentioned along with the mobile number on the complaint dated 12th June, 2025, at page Nos. 26 and 27 of the Petition paper book. The Officer of the Petitioner was informed by the security guard at the said address that no person, carrying the name mentioned in the complaint, resides at the address specified in

the said complaint. This deepens the controversy since, prima facie, it appears that the Police Inspector acted highhandedly while issuing the notice dated 30th June 2025, directing the Petitioner to refrain from airing the television show, Tum Se Tum Tak, until the completion of the inquiry under Section 168 of the BNSS, 2023.

*7. We are, therefore, placing this matter on **8th July, 2025, in the supplementary board**, to enable the concerned Police Officer to produce the said Complainant before the Court along with his Aadhar Card, Election Commission Identity Card, and proof of his permanent address.”*

5. On 8th July, 2025, Mr. Prafull R. Wagh, Police Inspector, Nodal Cyber Police Station, Mumbai, who was present in the Court, had instructed the learned Addl. PP, Mr. Gavand, to convey to the Court as under :

a] that the Complainant, Sunil Mahendra Sharma, has been traced out from a different address, which is not mentioned in the complaint dated 12th June, 2025, to the Additional Director General of Police, Maharashtra State, Cyber Department.

b] Sunil Mahendra Sharma is present in the Court.

c] Sunil Mahendra Sharma is produced in the Court by the said Police Officer Mr. Wagh.

6. Considering our earlier order (reproduced above), we had reminded the learned Addl. PP that we had directed Mr. Wagh to also produce the Aadhar Card, Election Commission Voter Identity

Card and proof of the permanent address of the Complainant. The learned Addl. PP collected these documents from the Complainant and had showed them to us.

7. On perusal of the said documents, we had noticed that the Aadhar Card and Election Commission Voter Identity Card, shown to the Court were of Mr. Mahendra Sanjay Sharma and not the Complainant, Mr. Sunil Mahendra Sharma.

8. The learned Advocate, Mr. Kankaria, had appeared before us on 8th July, 2025 and submitted that the person present in the Court is the one produced by the Police Officer Mr. Wagh. The said person has met Advocate Mr. Kankaria and stated that he is the Complainant Mr. Sunil Mahendra Sharma. Advocate Mr. Kankaria does not know him personally and had not seen the two documents tendered to the Court. He was yet to receive his Vakalatnama. He has now realised that it was Mr. Mahendra Sanjay Sharma who had approached him to appear in this matter.

9. *Prima facie*, we find that the Police Officer, Mr. Wagh apparently instructed the learned Addl. PP to make a statement that

the Complainant, Mr. Sunil Mahendra Sharma is present in the Court. To get his identity further verified, we gave a white piece of paper to the said person standing in the Court hall who claimed to be Mr. Mahendra Sanjay Sharma, to sign on the page so as to compare his signature with those appearing on the two documents. He signed on the white paper in the open Court, which was shown to us. The signature appeared as '**Sunil Sharma**'. When called upon, he stated in the Court that he thought he should imitate the signature of Sunil Sharma.

10. We gave him one more piece of paper and asked him to sign his own signature. He signed on the second piece of paper as '**Mahendra Sunil Sharma**'. When confronted, he had no explanation.

11. Therefore, we gave him one more piece of paper and asked him to put his bank signature on the said paper. On the said third piece of paper, he had signed as '**Mahendra S. Sharma**'.

12. In order to avoid any further mischief, we kept the three original signatures on the three chits of papers signed by the same Mr. Mahendra Sanjay Sharma, on record in this file by marking

them as 'X-2', 'X-3' and 'X-4' for identification. So also, we reproduced the scanned copies of these three signatures in this order. We also directed that the front and backside of the Aadhar Card as well as Election Commission Voter Identity Card of Mr. Mahendra Sanjay Sharma, be scanned and reproduced in this order. Those documents were as under :-

Ci WP No 3607/2025 ① 'X-2'

Sanjay Sharma

Ci WP No 3607/2025 ② 'X-3'

Mahendra Sanjay Sharma

CV. WP NO 3607/2025

(3)

'28-4'

Mahendra S Sharma

भारत सरकार
Government of India

आधार

Download Date: 01/08/2022

Mahendra Sanjay Sharma
Date of Birth/DOB: 09/10/1977
Male/ MALE
Mobile No: 7715840971

Issue Date: 27/01/2013

3498 4248 9256
VID : 9167 0352 7268 8090

आधार, मेरी पहचान

भारतीय विशिष्ट पहचान प्राधिकरण
Unique Identification Authority of India

आधार

Address:
S/O: Sanjay Sharma, room no. 20 tapase
building, m.m.c. road, mahim west, Mumbai,
Maharashtra - 400016

3498 4248 9256
VID : 9167 0352 7268 8090

1947 | help@uidai.gov.in | www.uidai.gov.in



After this order is formalized and uploaded, both these original cards would be returned to the learned Advocate, Mr. Kankaria.

13. *Prima facie*, we find that this man, Mr. Mahendra Sanjay Sharma has been produced by the Police Officer, Mr. Wagh, as a proxy, in the Court. He is not the Complainant, as per the

Complaint. His 3 signatures do not match with the signature on the Complaint. This matter not only needs investigation, but also an inquiry as to the behavior and conduct of the Police Officer, Mr. Wagh, who is present in the Court in this proceeding and is continuously instructing Mr. Gavand, the learned Addl. PP.

14. The learned Advocate Mr. Kankaria had submitted on instructions from Mr. Mahendra Sanjay Sharma, who was present in the Court hall, that he prepared the Complaint and signed on it. This is yet another lie told to the Court, because the Complaint was by a person namely Sunil Sharma, and the signature can be seen with the bare eyes as Sunil Sharma, and the person brought before the Court by the Police Officer, Mr. Wagh was Mr. Mahendra Sanjay Sharma.

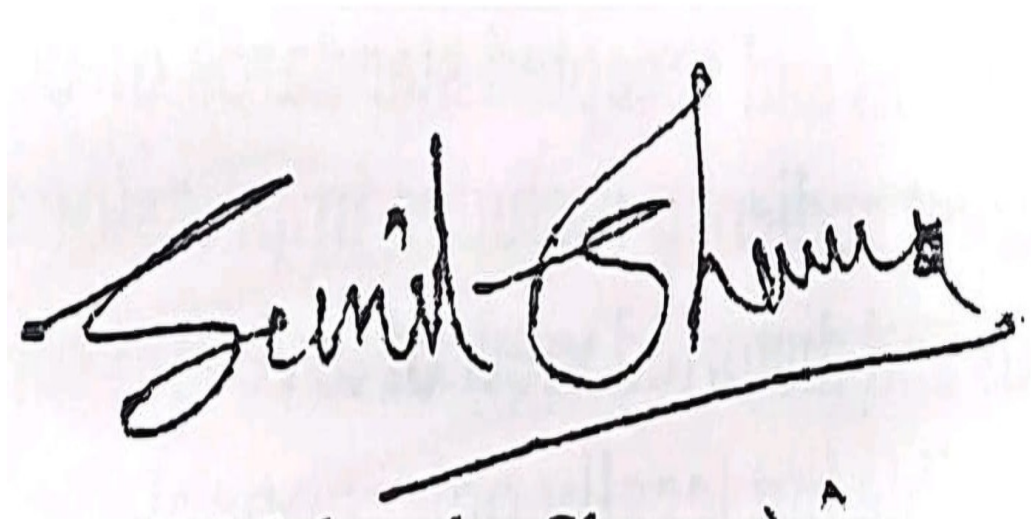
15. On the original Aadhar Card of Mr. Mahendra Sanjay Sharma, the address is room no.20 Tapase building, m.m.c. road, Mahim west, Mumbai, Mumbai, Maharashtra - 400 016 with the Card number 3498 4248 9256. On the Election Commission Identity Card, the address is 103 Della Donna CHS Ltd., Queens Park, Mira Road East, Thane, Mira Bhayandar East, Thane, Thane, Maharashtra - 401 107. Per contra, the address in the Complaint of

Mr. Sunil Sharma, whom Mr. Mahendra Sanjay Sharma claims to be the same person, is A-1004, Aashirwad Apartment, Carter Road No.2, Bandra West, Mob: 9703554187.

16. The learned Addl. PP submitted that the person present in the Court claims that he is the Complainant. He had met Mr. Wagh in the Police Station. Therefore, Mr. Wagh brought him to the Court.

17. It is very disturbing for the Court to record the conduct and behavior of the Police Officer, Mr. Wagh. Any attempt to hoodwink the Court and produce an imposter before the Court with the object to snatch an order, based on misinformation or wrong information, cannot be countenanced. Our order dated 4th July, 2025, reproduced above is in a plain and simple language indicating that the Police Officer would produce the Complainant Mr. Sunil Sharma along with his Aadhar Card and Election Commission Identity Card and proof of his permanent address. Surprisingly, the said Police Officer has produced Mr. Mahendra Sanjay Sharma before the Court by passing him off as Mr. Sunil Mahendra Sharma, the Complainant whose address and mobile number is mentioned in

the Complaint. To say the least, our Judicial conscience is shocked by the conduct of this Police Officer. Even if this man Mr. Mahendra Sanjay Sharma claims to be the Complainant Mr. Sunil Sharma, it clearly is a blatant lie considering the various documents on record. This case becomes more serious because this man tried to initially sign as Sunil Sharma. None of his 3 signatures (X-2, X-3 and X-4) match with the signature on the Complaint which appears as under :-

A handwritten signature in black ink on a light-colored background. The signature is written in a cursive, flowing style. It starts with a long horizontal stroke on the left, followed by a series of loops and curves. The word 'Sunil' is clearly legible in the middle, followed by 'Sharma' which is more stylized and overlaps with the previous part. A long horizontal line underlines the entire signature.

18. Giving false evidence in any manner, is to be dealt with legally. Any person who intentionally makes a false statement in a legal proceeding knowing or believes it to be false, is an offence. [Read sections 227 and 229 of the BNSS 2023 (earlier sections 191 and 193 of the IPC)]. So also, sections 215 and 379 of the BNSS

2023 (earlier sections 195 and 340 of the CrPC) would be attracted.

We are reproducing the above provisions hereunder :-

Section 215. *Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence.*

(1) No Court shall take cognizance -

(a) (i) of any offence punishable under sections 206 to 223 (both inclusive but excluding section 209) of the Bharatiya Nyaya Sanhita, 2023; or

(ii) of any abetment of, or attempt to commit, such offence; or

(iii) of any criminal conspiracy to commit such offence,

except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate or of some other public servant who is authorised by the concerned public servant so to do;

(b) (i) of any offence punishable under any of the following sections of the Bharatiya Nyaya Sanhita, 2023, namely, sections 229 to 233 (both inclusive), 236, 237, 242 to 248 (both inclusive) and 267, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court; or

(ii) of any offence described in sub-section (1) of section 336, or punishable under sub-section (2) of section 340 or section 342 of the said Sanhita, when such offence is

alleged to have been committed in respect of a document produced or given in evidence in a proceeding in any Court; or

(iii) of any criminal conspiracy to commit, or attempt to commit, or the abetment of, any offence specified in sub-clause (i) or sub-clause (ii),

except on the complaint in writing of that Court or by such officer of the Court as that Court may authorise in writing in this behalf, or of some other Court to which that Court is subordinate.

(2) Where a complaint has been made by a public servant or by some other public servant who has been authorised to do so by him under clause (a) of sub-section (1), any authority to which he is administratively subordinate or who has authorised such public servant, may, order the withdrawal of the complaint and send a copy of such order to the Court; and upon its receipt by the Court, no further proceedings shall be taken on the complaint:

Provided that no such withdrawal shall be ordered if the trial in the Court of first instance has been concluded.

(3) In clause (b) of sub-section (1), the term "Court" means a Civil, Revenue or Criminal Court, and includes a tribunal constituted by or under a Central or State Act if declared by that Act to be a Court for the purposes of this section.

(4) For the purposes of clause (b) of sub-section (1), a Court shall be deemed to be subordinate to the Court to which appeals

ordinarily lie from the appealable decrees or sentences of such former Court, or in the case of a Civil Court from whose decrees no appeal ordinarily lies, to the Principal Court having ordinary original civil jurisdiction within whose local jurisdiction such Civil Court is situate:

Provided that-

(a) where appeals lie to more than one Court, the Appellate Court of inferior jurisdiction shall be the Court to which such Court shall be deemed to be subordinate;

(b) where appeals lie to a Civil and also to a Revenue Court, such Court shall be deemed to be subordinate to the Civil or Revenue Court according to the nature of the case or proceeding in connection with which the offence is alleged to have been committed.

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Section 379. *Procedure in cases mentioned in section 215.*

(1) When, upon an application made to it in this behalf or otherwise, any Court is of opinion that it is expedient in the interests of justice that an inquiry should be made into any offence referred to in clause (b) of sub-section (1) of section 215, which appears to have been committed in or in relation to a proceeding in that Court or, as the case may be, in respect of a document produced or given in evidence in a proceeding in that Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary,---

(a) record a finding to that effect;

(b) make a complaint thereof in writing;

(c) send it to a Magistrate of the first class having jurisdiction;

(d) take sufficient security for the appearance of the accused before such Magistrate, or if the alleged offence is non-bailable and the Court thinks it necessary so to do, send the accused in custody to such Magistrate; and

(e) bind over any person to appear and give evidence before such Magistrate.

(2) The power conferred on a Court by sub-section (1) in respect of an offence may, in any case where that Court has neither made a complaint under sub-section (1) in respect of that offence nor rejected an application for the making of such complaint, be exercised by the Court to which such former Court is subordinate within the meaning of sub-section (4) of section 215.

(3) A complaint made under this section shall be signed, -

(a) where the Court making the complaint is a High Court, by such officer of the Court as the Court may appoint;

(b) in any other case, by the presiding officer of the Court or by such officer of the Court as the Court may authorise in writing in this behalf.

(4) In this section, "Court" has the same meaning as in section 215.

19. Considering the provisions of law as discussed above, we permit the Police Officer Mr. Prafull R. Wagh as well as the Complainant, to file their individual affidavits on or before 24th July, 2025.

20. List this Petition on 28th July, 2025 at 3.00 p.m.

(GAUTAM A. ANKHAD, J.)

(RAVINDRA V. GHUGE, J.)