

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

CRIMINAL WRIT PETITION NO. 3607 OF 2025

**ANAND
SUDHAKAR
SUDAME**

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Zee Entertainment Enterprises Ltd.,
a Company having its Registered office
at, 18th Floor, A Wing, Marathon Future,
N M Joshi Marg, Lower Parel,
Mumbai – 400 013, through it's
Senior Manager, Legal Litigation
Mr. Akshay Mahadik, Age : 36 yrs

.. Petitioner

Versus

1. The Inspector of Police
at the instance of Nodal Cyber Police
Station, Mumbai, 32nd Floor, World Trade Centre,
Centre I, Cuffe Parade,
Mumbai – 400 005.
Email : control.cpaw-mah@gov.in
2. The Office of the Additional Director
General of Police, Maharashtra State,
Cyber Department, 32nd Floor, World
Trade Centre, Centre I, Cuffe Parade,
Mumbai – 400 005.
Email : control.cpaw-mah@gov.in
3. The State of Maharashtra
4. Sunil Mahendra Sharma,
A-1004, Ashirwad Apartment,
Carter Road No. 2,
Bandra(W), Mumbai.

.. Respondents

Dr. Birendra Saraf, Advocate General a/w. Mr. H. S. Venegaonkar, PP
and Mr. S. V. Gavand, APP, for the Respondent – State

Mr. Manoj Mohite, Senior Advocate i/b. Mr. Ishad Shrivastava, for
Respondent No. 4

Mr. Prafull Wagh, Police Inspector is present in court

Mr. Mahendra Sanjay Sharma is present in court

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

DATE : **12th August, 2025**

1. Rule. Rule is made returnable forthwith and the matter is heard finally with the consent of parties.

“(a) to issue Writ of Certiorari or such other appropriate Writ to quash and set aside the impugned Notice dated 30th June, 2025, bearing reference No. O/W No. 3774/MHCYBER/2025 issued by Respondent No. 1 (**hereinafter referred to as the impugned Notice**) under Section 168 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (**hereinafter referred to as BNSS**) claiming to be

issued to prevent commission of the alleged cognizable offence by telecasting/screening of a daily Serial by name “Tum Se Tum Tak”;

(b) to issue Writ of Certiorari or such other appropriate Writ to quash the complaint letter dated 12th June, 2025 which is being enquired by Respondent No. 1;

(c) pending hearing and final disposal of the present Petition, stay the operation of the impugned Notice dated 30th June, 2025 so as to enable the Petitioner to proceed with telecast the said serial on its due date of telecast viz. 7th July, 2025;

(d) pending hearing and final disposal of the present Petition, restrain the Respondent Nos. 1 & 2 from proceeding with their enquiry against the Petitioner or anyone connected or concerned Petitioner based on impugned complaint.”

3. Detailed Orders have been passed when this matter was heard earlier on 4th July, 2025 and 16th July, 2025. We are summarizing what has transpired before this Court on earlier hearings, to give a perceptive to the Order that we intend to pass today, as under :-

(i) The Petitioner is a broadcaster of entertainment television programs. On 12th June, 2025, a complaint was lodged by one Mr. Sunil Mahendra Sharma with the Additional Director General of Police, Maharashtra State Cyber Department, Mumbai. It was alleged therein that a television serial titled “Tum Se Tum Tak”, scheduled for release on ZEE5 on 16th June, 2025,

contained inappropriate content and could hurt public sentiments. Based on the said complaint, Respondent No. 1 issued a notice under Section 168 of BNSS, directing the Petitioner to refrain from telecasting the show until completion of the enquiry.

(ii) The Petitioner promptly filed this petition, and on 4th July, 2025, Respondent No. 1, through the Investigating Officer Mr. Prafull Wagh (IO), tendered a communication dated 3rd July, 2025 recording closure of the enquiry. During the course of that hearing, it came to light that the Complainant – Mr. Sunil Mahendra Sharma does not reside at the address mentioned therein (Annexure at page 26 of the Petition) not seems to exist. Because of the high-handedness in the matter of the I. O., he was directed to produce the complaint in Court along with his identification documents.

(iii) The matter was next heard on 16th July, 2025. As recorded in detail in that Order, it was established in Court that Mr. Sunil Mahendra Sharma does not exist. It was Mr. Mahendra Sanjay Sharma who had approached the police and impersonated himself as Mr. Sunil Mahendra Sharma. The Complainant prevaricated before the Court and made false statements regarding his identity, as well as the signatures appearing on statutory documents such as the Election

Commission Voter ID, Voter ID Card, and Aadhaar Card. It further emerged that the IO had acted with gross negligence during investigation. So as to give them an opportunity, IO as well as the Complainant were directed to file their Affidavits explaining their misconduct.

(iv) The Complainant (now admittedly, Mr. Mahendra Sanjay Sharma) and the IO have filed their affidavits tendering an apology and furnishing an explanation for the conduct.

4. Dr. Saraf, learned Advocate General for the State as well as the I. O. submitted as follows:

(i) There is no justification for the IO in not undertaking the basic exercise of identifying and verifying the name and details of the Complainant. However, he submitted that the unconditional apology for his mistake ought to be accepted. The I. O. otherwise has an unblemished record and will not make such a mistake ever again;

(ii) Administrative action is already taken against the IO for his negligent conduct in the verification of the complaint. This includes proposed major penalty, departmental enquiry and internal transfer of the IO to the Command

and Control Centre at Mahape, Navi Mumbai. A Note dated 7th August, 2025 was tendered recording the action initiated against the IO. The Note is signed by Mr. Abhijit Sonawane, Police Inspector at the office of the Additional Director General of Police, Maharashtra Cyber, Mumbai. A copy of the Note is marked as 'X-2' for the purpose of identification;

(iii) Based on this incident, the State Government has issued a detailed Standard Operating Procedure ("**SOP**") for handling inquiries related to cybercrime complaints lodged by citizens. This SOP has been made effective from 24th July, 2025 onwards. A copy of the SOP tendered in Court is marked as 'X-3' for the purpose of identification; and

(iv) An FIR is being contemplated against the Complainant for impersonation and identity theft.

5. Mr. Mohite, learned Senior Counsel appearing for the Complainant attempted to justify the reason for filing the complaint under the false name. He submitted that whilst the conduct of the Complainant in Court by giving an incorrect information as is recorded from paragraphs 9 to 15 of the Order dated 16th July, 2025 cannot be explained, a lenient view ought to be

taken considering an unconditional apology that has now been tendered by the Complainant.

6. Mr. Parab, learned Senior Counsel appearing for the Petitioner submitted that the Complainant has been put up by the competitor so as to prejudice the business of the Petitioner. There was no cause whatsoever for impersonation either in the complaint or when the matter was heard by this Hon'ble Court on earlier occasions. He further submitted that there are two sets of complaints, one with a mobile bearing No. 9702554468 and another with no. 9703554187. This clearly demonstrates that the complaint was only to harass the Petitioner. A serious view ought to be taken against the Petitioner for his false statements in the complaint as well as to what has transpired before this Court.

7. We have heard learned Senior Counsels and have perused the affidavits filed by IO as well as the Complainant. The IO, Mr. Prafull Wagh in his affidavit dated 14th July, 2025 has tendered an explanation as to the events that transpired in June/July, 2025 during the course of investigation. In particular, he has attempted to justify his stand at paragraphs 2(e) and 2(f) as follows :-

“2(e) I say that out of sheer inadvertence and my negligence; I could not compare the mobile numbers mentioned on the said previous complaint with the mobile number mentioned on later complaint. However, when the advocate for the Petitioner pointed out to this Hon’ble Court on 4th July, 2025 that the complainant is not traceable on the mobile number given in the complaint, I was surprised as I had contacted him on the mobile number given in the said previous complaint and thereafter I compared both the said complaint and at that time I realized that the complainant had given two different number on his complainant i. e. the first which he gave in our office and other which he gave to me, when I had called him.

2(f) I say that until this discrepancy was discovered in this Hon’ble Court, I could not raise any suspicion on the Complainant as he was accessible and reachable on his mobile number given in the said previous complaint.”

8. He has stated in the affidavit that such a mistake will not be repeated in future and he will take utmost pre-caution in verifying the identity of the Complainant before proceeding to deal with the complaint. He has also expressed regret and has tendered an unconditional apology for the subsequent events that transpired in Court during the hearing of this matter.

9. The Complainant (now admittedly, Mr. Mahendra Sanjay Sharma) in his affidavit dated 24th July, 2025 has admitted to the impersonation in the

complaint as Mr. Sunil Mahendra Sharma. The relevant portion is quoted as follows :-

“3. Due to such fear and apprehension, out of anxiety and bona fide intent to protect my identity, I provided false name and address in my said Written Complaint. I say that I had, under apprehension, misrepresented myself as Mr. Sunil Mahendra Sharma (fictitious name) to the Police Officers. I say that my real name as per my AADHAR card is Mahendra Sanjay Sharma and my actual mobile number is +91 9702554468.

4. I say that I was worried about the outcome of said complaint and hence, I had prepared my written complaint in two sets, one of which contained my original mobile number, and the other set contained some fictitious mobile number. I say that I did not want that after the lodging of the complaint, the Petitioner or any person on their behalf should call me and harass me.

5. I say that thereafter, when the Enquiry Officer called upon me to record my statement in support of my complaint on 16th June 2025, I candidly handed over the other set of complaint which resembled the original complaint to the concerned police officer. I say that save and except change of my mobile number, rest all other contents were similar.

6. I acknowledge the fact that my conduct of giving false name and address was erroneous.

9. I tender my humble and unconditional apology to this Hon'ble Court and the parties involved for submitting incorrect information.

10. I pledge my co-operation with the authorities and make myself available as and when needed in connection with the aforementioned complaint or proceedings.”

10. Based on the above affidavits and the submissions of the learned counsels, we find that :

(i) The Complainant impersonated himself as Sunil Mahendra Sharma and filed a complaint under a false name before the police authorities. In his affidavit, he has admitted to such impersonation. The complaint itself was based merely on news items and opinions circulating on social media platforms. We are not satisfied with the explanation offered by the Complainant for lodging such a frivolous complaint under a false identity. The act appears to have been done with mala fide intent, possibly at the behest of a competitor. This aspect is left to be investigated by the police.

(ii) By resorting to impersonation, the Complainant misled the IO in the discharge of his official duties. While recording his statement on 16th July 2025, he handed over another complaint which was identical to the earlier one, except that it mentioned his correct mobile number - 9702554468. This led the IO to communicate with the Complainant on this mobile number under the

belief that a genuine complaint had been filed.

(iii) The IO has admitted to his negligence in his affidavit and expressed regret for the same. He has further stated that until the discrepancy in the mobile numbers was discovered during the hearing before this Court on 4th July 2025, he had no reason to doubt the Complainant since the latter was accessible on mobile number 9702554468. In our view, this explanation is wholly unsatisfactory. At the very least, a senior police officer is expected to verify the credentials of a complainant before acting on any complaint. Despite our order dated 4th July 2025, the IO failed to exercise due diligence. His carelessness is evident and cannot be condoned.

(iv) The order dated 16th July, 2025 already records in details the false statements made by the Complainant in court, including the discrepancies exposed through three different signatures. We are not repeating the entire sequence once again here.

11. In our view, the impersonation committed by the Complainant, both before the police authorities as well as before this Court, is a matter of grave concern. It constitutes a deliberate obstruction in the administration of

justice. The Order dated 16th July, 2025, which records these findings, has not been challenged by the Complainant. This Court is empowered to take suo motu cognizance of the Complainant's falsehoods, misconduct and obstruction in judicial proceedings. Mr. Mohite, learned Senior Counsel for the Complainant, opposed initiation of proceedings under the BNSS for obstruction of investigation and obstruction of justice on various grounds. We are unable to accept his submissions. We are not dealing with the same, since the issue is now academic as stated below.

12. During the course of hearing, it was suggested that instead of initiating contempt or other punitive proceedings, and bearing in mind that the IO will face departmental enquiry, the Complainant may be directed to perform community service. Upon a query from the Court, Mr. Mohite, on instructions, submitted that the Complainant is willing to undertake community and social service in lieu of further proceedings for his misconduct before this Court. It was submitted that he undertakes to render such service at the Grant Government Medical College & Sir Jamsetjee Jeejeebhoy Hospital, Mumbai (JJ Hospital), in whatever capacity the hospital authorities may require.

13. We accept this undertaking as an expression of apology and

contrition. Accordingly, the Complainant is directed to perform community service at JJ Hospital for 15 working days, three hours daily (Monday to Friday). Such service shall include cleaning/wet cleaning/wet mopping of floors, common areas, or any other tasks assigned by the hospital administration. The Complainant who is present in Court is willing to carry out such service. The undertaking of the Complainant is accepted. It is solely on account of this undertaking that we are inclined to take a lenient view of the matter.

14. Upon completion of the 15-day period, the Dean/ Administrator of the hospital shall submit a statement of the works performed by the Complainant to the Registrar (Judicial) of this Court. In the event of default or non-compliance, it is made clear that the Complainant shall be liable to face proceedings for contempt of court, in addition to prosecution under the relevant provisions of the BNSS.

15. As regards the IO Mr. Wagh, we accept the statement made by Dr. Saraf regarding the steps initiated against him, as recorded in Note (X-2). Therefore, we do not consider it necessary to pass any further directions

against the IO. It shall be for Respondent Nos. 2 and 3 to take appropriate action in terms of the said Note (X-2).

16. **The Petition is disposed off** in the above terms. Rule is discharged. There shall be no order as to costs.

[GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, J.]