

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

CRIMINAL WRIT PETITION NO. 3701 OF 2025

XYZ

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

...

Mr. Rahul Arote, Advocate for the Petitioner.

Mrs. M. M. Deshmukh, I/c Public Prosecutor for Respondents-State.

Petitioner and her mother Asha Jethwani are present.

PI Mahendra Waghmare, BKC Police Station and PSI Suraj Jarg, BKC Police State are present.

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

**DATE : 12th DECEMBER 2025.
(In-Camera)**

P.C. :

The petitioner (name masked and hereinafter referred to as "X") and her mother, namely, Asha Jethwani are present in the Court proceedings.

2. We have heard this matter from 10:25 a.m. to 11:15 a.m. During in-camera proceedings, the learned counsel for "X" took us through the contents of the First Information Report, the affidavit filed by "X" in the proceeding of C.R. No. 764 of 2023 and the order passed by the Metropolitan Magistrate, 71st Court, Bandra, Mumbai. The learned counsel for "X" would submit that it was on account of a false criminal case filed at Vijayawada, Andhra Pradesh and the subsequent arrests made by the police in connection to the said case that "X" could not produce evidence in support of the allegations

made by her in the FIR vide First Information Report No. 764 of 2023 lodged at B.K.C. Police Station, Bandra, Mumbai. The mobile phone and electronic devices belonging to “X” were seized by Andhra Pradesh Police on 3rd February 2024 and that was the reason she could not appear before the B.K.C. Police Station between 5th to 9th February 2024 to produce evidence. The learned counsel for “X” would further submit that the First Information Report lodged against the petitioner and her old and ailing parents who were involved was found to be a false case and subsequent thereto, a First Information Report was lodged against five police officers. The learned counsel for “X” has referred to page no. 764 onwards of the paper-book to draw attention of the Court to the recorded conversations in support of the grounds urged in this writ petition.

3. On the other hand, Mrs. M. M. Deshmukh, the learned In-Charge Public Prosecutor would submit that it was an unequivocal statement made on the affidavit before the Metropolitan Magistrate which was taken into account by the said Metropolitan Magistrate to accept the B-Summary report filed in connection to First Information Report No. 764 of 2023 registered at B.K.C. Police Station. The learned In-Charge Public Prosecutor has also drawn our attention to the affidavit filed by “X” and the affidavit filed by the Investigating Officer and would submit that a challenge to the order dated 24th April 2024 passed by the Metropolitan Magistrate must fail.

4. Reserved for orders.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]