

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 4107 OF 2025**

Vivek Sadashiv Bhave

... Petitioner

Vs.

The State of Maharashtra & Anr.

... Respondents

Mr. Manoj Mohite a/w. Mr. Nilesh Navale for the Petitioner.
Mr. Ashish I. Satpute, APP for the Respondent-State.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE , JJ.**
DATED : 7th OCTOBER, 2025.

P. C. :-

- 1) By the present Petition under Article 226 of the Constitution of India, Petitioner, a practicing Advocate has prayed for quashing and setting aside of C. R. No. I-194 of 2025, dated 10th April, 2025 registered with Kalyan Taluka Police Station, District Thane, under Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 8 and 12 of the Protection of Children from Sexual Offences Act and Sections 74, 333, 351(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.
- 2) Present Petition was heard at length on 26th August, 2025.

Paragraph No.1 of Order dated 26th August, 2025 though is not elaborate, in view of the deliberation in the Court, the Investigating Officer has not only recorded the statement of various witnesses in the crime but has also scrutinized the evidence on record minutely and according to us, impartially and rationally.

Perusal of record indicates that, the Petitioner, a practicing Advocate was appointed as a Court Commissioner for execution of a Decree. His appointment as a Court Commissioner was by Order dated 7th November, 2016, passed in Execution Application No. 66 of 2013. The alleged incident mentioned in the present crime has taken place when the Petitioner had been to the suit premises for execution of the Decree in furtherance of the Order passed by a civil Court of competent jurisdiction. Perusal of FIR indicates that, the informant and his family members with a view to obstruct the execution of decree created a charade and with exaggeration of facts lodged present crime.

3) It will not be out of way to note here that, due to the lodgment of present crime, the Petitioner had to avail pre-arrest bail from the concerned Court. As noted earlier, the Petitioner was performing his lawful duty in furtherance of his appointment by the Civil Court. According to us, with a view to obstruct the execution of Decree, the Judgment-Debtor i.e. the informant herein, has grinded his axe against the

Petitioner for no reasons, though the actual target was the Decree Holder.

4) As mentioned earlier, the Investigating Officer of the present crime has impartially and rationally conducted the investigation of the crime. In his Final Report dated 6th October, 2025, he has reached to the conclusion that, there is no substance in the allegations made by the Respondent No.2 and therefore he has reached to the conclusion that, 'B-Summary with prosecution' be filed before the concerned Court. The higher Authority of the Investigating Officer has approved the said Report and thereafter it is filed in the Special Court at Kalyan. The said Report is pending for passing appropriate orders on it before the concerned learned Judge.

5) As the police have already filed 'B-Summary with prosecution report', the Petition for quashing of C. R. No. I-194 of 2025, dated 10th April, 2025 registered with Kalyan Taluka Police Station, District Thane, *qua* the Petitioner does not survive and is accordingly disposed off.

(RANJITSINHA RAJA BHONSALE, J.)

(A. S. GADKARI, J.)