

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

WRIT PETITION NO. 4471 OF 2025

Vistra ITCL (India) Limited & Ors.

... Petitioners

versus

State of Maharashtra & Anr.

... Respondents

...

Mr.Ashok Mundargi with Mr.Gaurav Parkar, Mr.Vikrant Singh Negi,
Mr.Pratik Thakkar and Mr.Sourabh Arora i/b. DSK Legal for the Petitioners.

Mr.Mayur Sonavane, APP for the Respondent -State.

Mr.Chaitanya Malgaonkar for Respondent No.2.

Mr.Ganesh Jadhav, PI, Cyber Police Station, Navi Mumbai is present.

...

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

DATE : 22nd August, 2025

P.C.:-

1. We have considered the submissions of the learned Senior Advocate on behalf of the Petitioners, the learned APP on behalf of Respondent No.1, State and the learned Advocate on behalf of Respondent No.2, who is a builder/ contractor.

2. After a hearing at a considerable length, the learned APP, on instructions from Mr. Ganesh Jadhav, Police Inspector attached to the Cyber Police Station, Navi Mumbai, submits that both the summons at Page Nos. 54 and 55, dated 7th August, 2025 and 17th July, 2025 respectively, would be withdrawn.

3. To state in brief, Respondent No. 2 had already lodged a complaint against the Petitioners. The complaint was inquired into by the Cyber Police Station under the Navi Mumbai Police Commissionerate. After a detailed inquiry, the Investigating Officer filed a 'C' Summary Report before the learned Judicial Magistrate, First Class, at Belapur, Navi Mumbai. Consequent thereto, the learned Magistrate issued notices calling for objections from the stakeholders. Respondent No. 2, the Complainant herein, has already filed his Objection Petition.

4. However, Respondent No.2 once again started shooting the same complaints to the Police Commissioner and various police authorities. Pursuant to such complaint dated 30th June, 2025, the higher police authorities forwarded the said complaints to the concerned police station. The police station mechanically started issuing summons without keeping in focus that the complaint had already been inquired into and the 'C' Summary Report had been filed. Based on these summons, the Petitioners were directed to appear before the police station once again and were subjected to a re-inquiry, even though the 'C' Summary Report was already pending before the learned Magistrate for judicial review.

5. The learned Advocate for Respondent No.2 submits that he never wanted a fresh inquiry. He wanted further investigation. Apparently, Respondent No.2 is oblivious of the provisions of Bharatiya Nagarik Suraksha Sanhita, 2023 under which he can, while opposing the 'C' Summary Report through his Objection Petition, convince the learned Magistrate that the investigation was not conducted properly and that further investigation is necessary.

6. In the light of the above, the concerned Police Inspector realized his folly and has tendered an affidavit (5 pages) dated 22nd August, 2025, tendering an apology and seeking leniency. The said original affidavit is taken on record and marked as 'X' for identification.

7. The factual matrix and the brief narration as above would indicate that Respondent No. 2 was the person who filed the complaint once again, thereby setting the criminal law into motion. He knew that the 'C' Summary Report had already been submitted and that he had already filed his Objection Petition. Filing a fresh complaint based on the same set of facts and triggering a re-inquiry, amounts to an abuse of the process of law.

8. At this juncture, the learned Advocate for Respondent No. 2 submits that the said Respondent is willing to voluntarily deposit Rs. One

lakh as a donation, in this Court and the same may be utilized for a public cause. The learned Senior Advocate, Mr.Mundargi, submits that the said amount may be utilized for a public cause and may be donated to a needy organization.

9. In view of the above, since we are assured that the said police officer will be vigilant and diligent henceforth, we are showing leniency. The apology set out in affidavit 'X' is accepted.

10. Since the impugned summons are withdrawn, **this Writ Petition is disposed off.**

11. Needless to state, all contentions of the stakeholders with reference to the 'C' Summary Report before the learned Magistrate, are kept open.

12. Respondent No.2 makes a statement that the said amount of Rs. One Lakh would be deposited in this Court within 15 days. The Registry shall transfer the aforesaid amount of Rs. One lakh, in equal proportions, amongst the following entities:

(1) Girija Welfare Association

Account No.309006361574

Bank Name :RBL BANK

Branch – Kharghar

IFSC : RATN0000078

(2) Children Aid Society, Mumbai

Account No.02370100005612

Bank Name :UCO BANK

Branch – Matunga

IFSC : UCBA0000237

(3) National Association for the Blind

Account No : 3740000100008551

Bank : Punjab National Bank

Branch : Worli Seaface

IFSC Code : PUNB0374000

(4) In Defense of Animals

Account No.04060100019102

Bank Name :Bank of Baroda

Branch – Chandavarkar Road Branch, Matunga

IFSC : BARB0CHANDA ('0' is a digit not alphabet)

MICR No.: 400012046

(GAUTAM A. ANKHAD, J.)

(RAVINDRA V. GHUGE, J.)