

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

CRIMINAL WRIT PETITION NO. 4833 OF 2025

Poonam Ashok Gupta

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

...

Mr. Abhishek Jha i/by Jha Legal Associates, Advocates for the
Petitioner.

Mrs. G. P. Mulekar, APP for the Respondent Nos.1 to 3.

...

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

DATE : 19th SEPTEMBER 2025.

P.C. :

Seeking transfer of the crime bearing C.R. No.490 of 2024 registered at Tilak Nagar Police Station, this writ petition has been filed invoking the jurisdiction of this Court under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure.

2. The petitioner states that Imran Ahmad Quraishi and Amirali Dost Mohammed Merchant dishonestly induced her to invest in their trading and the stock market schemes with an assurance that she would get 10% returns on timely basis. This is the case set up by the petitioner that she gave Rs.26 lakhs on different occasions till February 2023 to the aforementioned persons. Those persons did not give her the promised returns and that is how she feels that she was trapped by those persons. The petitioner further states that she filed a written complaint on 14th June 2024 on the basis of which the First Information Report bearing No.490 of 2024 has been lodged for

commission of the offence under sections 420, 408 and 64 of the Indian Penal Code.

3. The grievance of the petitioner is that she has made allegations about commission of the offence under section 409 of the Indian Penal Code whereas the Investigating Officer lodged the case for commission of offence under section 408 of the India Penal Code. The petitioner further states that the Investigating Officer failed to make arrest of the accused persons and thereby caused injustice to her. The petitioner has raised a further grievance as to the Investigating Officer not adding the offence under section 3 of the Maharashtra Protection of Interest of Depositors Act and thereby extending favour to the accused persons. The learned counsel for the petitioner submits that after lodging of the First Information Report, no substantial investigation was carried out in the case and no charge-sheet has yet been filed.

4. In the aforesaid factual premise, the petitioner seeks the following directions in this writ petition: -

- “a) this Hon’ble Court be pleased to direct the respondents to transfer investigation of the present CR No.490 of 2024 registered with Tilak Nagar Police Station to Crime Investigation Department, Maharashtra State or Crime Branch Unit VI, Mumbai Police or such other department/investigating agency as the Hon’ble High Court may deem fit and proper in the interest of justice.*
- b) To direct the Commissioner of Police, Mumbai to file a report regarding the investigation done in the matter till date.”*

5. A First Information Report is not encyclopedia of the accused who participated in the occurrence. The First Information Report can be lodged in a case where the name of the accused is not even known to the first informant. The First Information Report is also not required to give a description of the offence committed by the accused in course of the occurrence. In a given case, a charge-sheet can be laid against one accused or none of the accused persons even though the First

Information Report gives name of more than one accused. Similarly, a charge-sheet can be laid against the person who is not even named in the First Information Report. As to non-mentioning of the offence under section 409 of the Indian Penal Code and section 3 of the Maharashtra Protection of Interest of Depositors Act, we may only indicate that till the time a charge-sheet is filed, the first informant has no reason to approach the Court. Under the statutory regime which governs the criminal justice dispensation system, the aggrieved first informant has adequate remedy by filing a protest/complaint case.

6. The second stage in a criminal case arises when the Court takes cognizance of the offence and frames charges against the accused persons. At that stage also, the Court may take cognizance of the offence, which according to the witnesses who gave their statements before the police, *prima-facie* seems to the Magistrate to have been committed. The final stage in a criminal case comes at section 319 of the Code of Criminal Procedure when the Court can even issue process against a person who was named or not named in the First Information Report or charge-sheet.

7. Ignoring all these statutory provisions, this criminal writ petition has been filed by the petitioner, which is liable to be dismissed.

8. Criminal Writ Petition No. 4833 of 2025 is dismissed as such.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

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