

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

**CRIMINAL WRIT PETITION NO.4988 OF 2025**

Avtar Singh Sethi

.. Petitioner

Vs.

State of Maharashtra,

Through Andheri Police Station & Anr.

.. Respondents

Ms. Sunaina Chakrawartty, i/by Mr. Jitesh Agarwal, Advocates for the Petitioner.

Mr. J. Yagnik, Additional Public Prosecutor for Respondent No.1.

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

**DATE : 29<sup>TH</sup> SEPTEMBER 2025.**

**P.C. :**

This Writ Petition has been filed with the following prayers :-

- “(a) That this Hon’ble Court be pleased to pass a writ of mandamus or any other appropriate writ, order or direction directing respondent no.1 to forthwith execute the non-bailable warrant dated 21.03.2025 issued by the learned Judicial Magistrate, First Class, Andheri against respondent no.2 and to produce respondent no.2 before the said Court;*
- (b) That this Hon’ble Court be pleased to direct respondent no.1 to file a compliance report before this Hon’ble Court as well as before the learned Judicial Magistrate First Class, Andheri indicating the steps taken for execution of the non-bailable warrant and the present status thereof;*
- (c) That this Hon’ble Court be pleased to initiate appropriate proceedings under the Contempt of Courts Act, 1971 against respondent no.1 for wilful disobedience and deliberate non-compliance with the judicial directions issued by the learned Judicial Magistrate, First Class, Andheri including the show cause notice dated 02.06.2025;*
- (d) That interim and ad-interim reliefs in terms of prayer (a) above be granted;*
- (e) Cost of the present Petition be provided for;*
- (f) That for such other and further reliefs as this Hon’ble Court may deem fit and proper.”*

2. The petitioner is the complainant in C.C. No.1445/SS/2012 pending before the Court of the Metropolitan Magistrate, 48<sup>th</sup> Court, Andheri, Mumbai which was instituted on the allegation of non-payment of Rs.2,50,000/- through the cheque bearing No.007374 issued on 10<sup>th</sup> February 2012. The petitioner states that a conviction warrant has been issued against the respondent no.2 but she has not been arrested so far.

3. However, the petitioner does not state that the respondent no.2 did not take out any proceedings before the revisional or the appellate Court. The another aspect of the matter is that the powers under Article 226 of the Constitution of India read with Article 227 of the Constitution of India cannot be invoked by the aggrieved party for a direction to the respondent no.1 to file a compliance report. After the conviction of the respondent no.2 all that remains is that the Judicial Magistrate, First Class, Andheri may issue necessary directions to ensure compliance of the judgment rendered in C.C. No.1445/SS/2012 on 7<sup>th</sup> May 2019.

4. Writ Petition No.4988 of 2025 is dismissed.

**[ GAUTAM A. ANKHAD, J. ]**

**[ CHIEF JUSTICE ]**