

JVS.

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

WRIT PETITION NO. 5835 OF 2025

Suresh Shidrappa Patil } Petitioner
Versus
Pramod Madhavlal Shah & Anr. } Respondents

Mr. Ram Upadhyay with Mr. Anuj Pande i/b. Law
Competere Consultus, Advocates for the Petitioner.

Mr. Pankaj N. More with Mr. Nitin C. Kamble and
Mr. Anand Kate, Advocates for Respondent No. 1.

Mr. K. V. Saste, APP for Respondent No. 2-State.

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

DATE: 19th DECEMBER 2025

P.C.:

Aggrieved by the registration of First Information Report (FIR) No.0527 of 2025 registered on 16th June 2025 with Mulund (West) Police Station, the petitioner who is a resident of Willows Twin Towers, Flat No. 1902, Vasant Garden, Swapnanagari, Mulund (West), Mumbai has invoked the jurisdiction of this Court under Articles 226 and 227 of the Constitution of India.

2. Mr. Ram Upadhyay, the learned counsel for the petitioner states that the petitioner filed an application for anticipatory bail after the said FIR was lodged against him and he obtained copies of certain documents from the records of the Court of Metropolitan Magistrate at Mulund. He states that the complaint of the respondent no.1 mentions different amounts in the application and the complaint made to the Court. The complainant is not consistent in disclosing the name of the accused person/persons in his application and the complaint to the Court. The allegation of

payment of Rs.2.73 crores in cash is frivolous and that is only with an object to extort money from the petitioner. The learned counsel for the petitioner referred to the decision in “*Deepak Kumar Shrivastava & Ors. v. State of Chhattisgarh & Ors.*” (2024) 3 SCC 601 and submits that even if there is any semblance of truth in the allegations made by the complainant, the very object was unlawful and it may not be possible to establish the truthfulness of the complaint. The learned counsel for the petitioner referred to paragraph nos. 13 and 14 in “*Deepak Kumar Shrivastava*” which read as under: -

“13. A reading of the entire material on record clearly reflects that it was totally an unlawful contract between the parties where money was being paid for securing a job in the government department(s) or private sector. Apparently, a suit for recovery could not have been filed for the said purpose and even if it could be filed, it could be difficult to establish the same where the payment was entirely in cash. Therefore, the respondent no.6 found out a better medium to recover the said amount by building pressure on the appellant and his brother by lodging the FIR. Under the threat of criminal prosecution, maybe the appellant would have tried to sort out and settle the dispute by shelving out some money.

14. In conclusion, certain key observations from the factual matrix warrant a closer reflection. Prima facie, the conduct exhibited by the parties involved appears tainted with suspicion, casting a shadow over the veracity of their claims. The report from the previous inquiry reflects a convoluted landscape and unveils a trail of unethical, maybe even criminal, behaviour from both parties. The unexplained inordinate delay in bringing these allegations to the police’s attention despite knowledge of previous inquiry, raises even more doubts and adds a layer of scepticism to the authenticity of the claims. The facts stated, as well as the prior inquiry, reveal a shared culpability between the parties, indicative of a complex web of deceit, and unethical transactions where even civil remedies may not be sustainable. Thus, the object of this dispute, manifestly rife with mala fide intentions of only recovering the tainted money by coercion and threat of criminal proceedings, cannot be allowed to proceed further and exploit the time and resources of the law enforcement agency.”

3. At the outset, we may indicate that the complaint made in “*Deepak Kumar Shrivastava*” had alleged that the accused persons allured the complainant to secure a job for his brother on a representation that he had good contacts with higher officers. In the present case, the complainant states that the petitioner was introduced to him through one Mr. Bhagwat Salunkhe. They met the petitioner at his Mulund residence and at that time, the petitioner projected himself as an officer on special duty at Delhi. This is the allegation by the complainant that the petitioner gave his visiting card and indicated that he had good connections. He assured the complainant that he can obtain a no-objection from M/s. Estate Investment Pvt. Ltd. and mutation shall be effected in the name of the original owner. Now, if this is the projection that the name of the original owner shall be recorded in the mutation record, there is nothing illegal about it. The complainant has given the details and dates ranging between 25th June 2013 to 18th December 2013 when he paid Rs.2.73 crores to the petitioner in eight installments. The submission made on behalf of the petitioner that the complainant has mentioned three different figures in his applications and complaint to the Court is a fact which can be ascertained after examining the complaint. The other facts narrated by the complainant in the FIR regarding the petitioner posing himself as an officer on special duty and providing his visiting card, payment documents are also under investigation. The petitioner does not seem to be a stranger altogether but he does not disclose how he became acquainted with the complainant. The details of his residence etc. and filing of different applications and complaint in the Court by the complainant indicate a dispute between the parties. Whether such dispute would assume the colour of

criminality is wide open and that shall be looked into by the Investigating Officer. As we noticed, the above decision in “*Deepak Kumar Shrivastava*” reflects a different fact situation and the said decision cannot be the sole basis to terminate the proceedings pursuant to lodging of a complaint by the respondent no. 2 at the threshold.

4. For the aforesaid reasons, Writ Petition No. 5835 of 2025 is dismissed.

[GAUTAM A. ANKHADE, J.]

[CHIEF JUSTICE]

PRAVIN
DASHARATH
PANDIT

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PANDIT
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