



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.6023 OF 2025**

Sandeep S. Runwal ... Petitioner
versus
The State of Maharashtra and Anr. ... Respondents

**WITH
WRIT PETITION NO.6024 OF 2025**

Sandeep S. Runwal ... Petitioner
versus
The State of Maharashtra and Anr. ... Respondents

Mr. Darshan Juikar, for Petitioners.
Mr. K.C.Shinde, APP for State in WP No.6023 of 2025.
Mr. P.P.Malshe, APP for State in WP No.6024 of 2025

CORAM: N.J.JAMADAR, J.

DATE : 26 NOVEMBER 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in these Petitions is to an order dated 22 July 2025 passed by the learned Magistrate, 41st Court, Shindewadi, Dadar, Mumbai.

The impugned orders read as under :

“Perused complaint and documents on record. Heard complainant side at considerable length. Prima facie case is made out against the accused, therefore, issue process against the accused as prayed, returnable on 12 August 2025”

3. Learned Counsel for the Petitioners invited attention of the Court to an order dated 6 November 2025 in WP No.5494 of 2025 and connected

matters, and, submits that the orders of issue of process impugned in these Petitions, suffer from the identical vice.

4. The learned Counsel for the petitioners submitted that a bare perusal of the impugned orders reveal that the learned Magistrate has not at all applied his mind to the facts of the case. The offence which the petitioners have allegedly committed for which the process has been issued, has not been even referred to in the impugned order. The learned Counsel for the petitioners further submitted that the complaint also does not indicate that the offences allegedly committed by the petitioners and for which they were sought to be prosecuted. In paragraph 13 of the complaint it has been prayed that the process be issued against the accused and they be dealt with according to law.

5. The submission on behalf of the petitioners appears to carry substance. The learned Magistrate is not expected to record elaborate reasons while passing an order of issue of process. Yet, the reasons recorded by the learned Magistrate, howsoever brief, must reflect the application of mind. In the instant case, the learned Magistrate has even not referred to the offences which the petitioners allegedly committed and for which the process has been issued. The confusion is further confounded by the fact that in the complaints also the complainant has not prayed for the issue of process for the commission of particular offences.

6. The impugned orders thus suffer from clear lack of application of mind. In these circumstances, the impugned orders deserve to be quashed and set aside and the complaints restored to the file of the learned Magistrate for passing appropriate orders by recording brief reasons and in accordance with law.

7. Hence, the following order :

ORDER

- (i) The Writ Petitions stand allowed.
- (ii) The impugned orders in each of the petitions stand quashed and set aside.
- (iii) Consequently, the orders of summons and warrant also stand quashed and set aside.
- (iv) Complaint Nos.CC/5709/SS/2025 and CC/5708/2025 stand restored to the file of the learned Magistrate, 41st Court, Shindewadi, Dadar, Mumbai, for passing orders afresh.
- (v) Learned Magistrate is requested to pass an appropriate order after recording brief reasons and in accordance with law.
- (vi) It is clarified that this court has not entered into the merits of the matters.

(N.J.JAMADAR, J.)