

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 6258 OF 2025**

Mukeshkumar Keshavlal Patel & Ors

... Petitioners

V/s.

State of Maharashtra & Ors

... Respondents

Mr. Ravi Kadam, Senior Advocate a/w Mr. Vikram Nankani, Senior Advocate, Mr. Devang Vyas, Senior Advocate, Mr. Karan Kadam, Mr. Sheelang Shah, Mr. Jalraj Prakash, Adv. Dhvani Chopda, Mr. Nirmal Chopda i/b VRAJ Legal for the Petitioners.

Mr. Vinod Chate, A.P.P. for Respondent No.1-State.

Mr. Mukul Rohatgi, Senior Advocate (through VC) a/w Mr. Aabad Ponda, Senior Advocate, a/w Mr. Mahesh Agarwala, Mr. Zulfiqar Memon, Mr. Vivek Jain, Mr. Chirag Naik, Ms. Vaijayanti Sharma, Mr. Swapnil Srivastava, Mr. Jayesh Srivastava, Mr. Kshemendra Bharadwaj, Mr. Kapil Madan, Mr. Gurumukh Singh Arora, Mr. Utkarsh Tiwari i/b MZM Legal LLP for the Respondent No.3-Original Complainant.

Mr. Sandip Vishwasrao, Senior P.I. a/w Mr. Nitin Pawar attached to E.O.W., Mumbai.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.**
DATE : 8th DECEMBER, 2025

P.C. :

1) Mr. Rohatgi, learned Senior Advocate appearing for the Respondent No.3 raised a preliminary objection about maintainability of the Petition. He submitted that, the Petitioners without submitting its reply as per his request letter dated 17th November 2025, has rushed to this Court by

invoking jurisdiction under Article 226 of the Constitution of India, challenging the Notice dated 14th November 2025, issued by the Enquiry Officer. He submitted that, the enquiry is at initial stage and therefore at this stage, it is not necessary to exercise jurisdiction under Article 226 of the Constitution of India. Mr.Rohatgi, also raised an objection regarding incomplete annexures to the complaint annexed at Exhibit-A on the basis of which the said preliminary enquiry is being conducted by the Respondent No.2.

2) Mr.Kadam, learned Senior Advocate submitted that, in their pleadings the Petitioners have categorically stated that, they received the said complaint (Exhibit-A) without annexures and it is the reason the complaint is only annexed to the Petition without its annexures.

3) Be that as it may and in view of the arguments advanced by learned Senior Counsel for the respective parties, we deem it appropriate to direct the Petitioners to submit their reply along-with relevant supporting documents as has been stated by them in their Reply dated 17th November, 2025, (Exhibit-F).

4) Learned APP on instructions from Mr. Sandip Vishwasrao, Senior P.I. attached to E.O.W, Mumbai, submitted that, a copy of complete complaint along-with its annexures will be served upon the Petitioners through e-mail by tomorrow. The said statement is accepted.

- 5) In view thereof, we direct the Petitioners to submit their detail reply with all the relevant and supporting documents. The said reply be filed within a period of one week from today.
- 6) Stand over to 23rd December, 2025.
- 7) Ad-interim relief granted by Order dated 1st December 2025, is modified to the above extent.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)