

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

CRIMINAL APPLICATION NO.1459 OF 2025

Capt. Alok Kumar

... Applicant

V/s.

The State of Maharashtra
Through Officer In-charge Police
Station, Thane Nagar, Thane, Mumbai & Ors. ... Respondents

Mr. Vikram Chaudhary, Senior Advocate (through VC) a/w Mr. Faran Khan, Ms. Swapnil Khatri, Mr. Amar Parab, Mr. Narendra Devansh, Ms. Vaishnavi Kambli and Mr. Darshil Shah i/b Ms. Swapnil Khatri & Mr. Kalpesh Joshi Associates for the the Applicant.

Mr. V.B. Konde Deshmukh, Addl. P.P. for the Respondent Nos.1 and 2-State.

Mr. Niranjana Mundargi a/w Mr. Joran Diwan i/b Diwan Law Associates for the Respondent No.4.

Mr. Shekhar Bagde, ACP, Crime-1, Thane City.

**WITH
CRIMINAL APPLICATION NO.1522 OF 2025**

Manish Pamecha

... Applicant

V/s.

The State of Maharashtra
Through Officer In-charge Police
Station, Thane Nagar, Thane, Mumbai & Ors. ... Respondents

Mr. Pranav Badheka, Senior Advocate, a/w Mr. Faran Khan, Ms. Swapnil Khatri, Mr. Amar Parab, Mr. Narendra Devansh, Ms. Vaishnavi Kambli and Mr. Darshil Shah i/b Ms. Swapnil Khatri for the Applicant.

Mr. V.B. Konde Deshmukh, Addl. P.P. for the Respondent No.1 and 2-State.

Mr. Niranjana Mundargi a/w Mr. Joran Diwan i/b Diwan Law Associates for the Respondent No.3.

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.**

DATE : 19th DECEMBER 2025

P.C.

1) By the aforesaid Applicants, the Applicants therein, seek quashing of the F.I.R. registered vide C.R.No.0507 of 2025, registered with the Thane Nagar Police Station (now transferred to Search-I, Crime Branch, Thane City, EOW, Thane), for the alleged offences punishable under Sections 3(5), 316, and 318(4) of the Bharatiya Nyaya Sanhita (“BNS”).

2) The premise, on which both the Applications are filed, is that the

F.I.R. filed by the Complainant is *mala fide*, as there are already civil proceedings pending between the parties. It is further submitted that that there has been no exchange of monies between the parties, pursuant to the Settlement Talks of September, 2024, and hence, no offences as alleged are disclosed.

3) Having heard learned Senior Counsel for the Applicants, we issue notice to the Respondents, in both the aforesaid Applications, returnable on **15th January 2026**.

4) Learned Addl.P.P. waives notice on behalf of Respondent Nos. 1 and 2 and Mr. Niranjan Mundargi, learned Counsel waives notice for the Respondent No.4 in Criminal Application No.1459 of 2025.

5) Spare copy of Criminal Application No.1459 of 2025 to be supplied in the Registry, within one week to enable the Registry to issue notice to the Respondent No.3-Bureau of Immigration. In addition to the Court notice, learned Counsel for the Applicant to serve the said Respondent No.3 by private notice and file affidavit of service before the

next date.

6) As far as Criminal Application No.1522 of 2025 is concerned, learned Addl. P.P. waives notice on behalf of Respondent Nos.1 and 2 and Mr. Mundargi, learned Counsel waives notice on behalf of Respondent No.3.

7) Having heard the learned Counsel for the respective parties, in the meantime, till the next date, we direct the Police to continue with the investigation, however, not to file chargesheet, without the leave of this Court, *qua* the Applicants. We also suspend the LOC issued as against the Applicant in both the aforesaid Applications, if issued. The Police Authority to forthwith communicate the suspension of LOC to the Bureau of Immigration, if issued, to enable the parties to travel to India.

8) As far as the Applicant, in Criminal Application No.1522 of 2025, is concerned, learned Senior Counsel for the Applicant states that the said Applicant-Manish Pamecha will report to the concerned Police Station or concerned Office on 5th and 6th January 2026 from 10.00 a.m.

to 04.00 p.m. As far as the Applicant-Capt. Alok Kumar in Criminal Application No.1459 of 2025, is concerned, the learned Senior Counsel for the said Applicant states that the said Applicant will report to the concerned Officer on 13th and 14th of January 2026 from 10.00 a.m. to 04.00 p.m. Statements accepted.

9) We make it clear that no coercive action to be taken against either of the Applicants, till the next date.

10) Considering the submissions advanced by the parties, we request the Commissioner of Police to appoint another Officer of the rank of ACP, to look into the matter. We make it clear that the same shall not be a reflection on the Officer, i.e. ACP, presently carrying out the investigation.

11) Stand over to **16th January 2026**. To be tagged along with Criminal Application No.1225 of 2025.

12) Needless to state, that we expect that the investigation will be carried out fairly, impartially and in accordance with law.

13) Affidavit-in-Reply, if any, of the Respondents to be filed in the Registry before the next date.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)