



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO.901 OF 2024

[Mr. Shyamdeo s/o Gajananrao Ghatole .vs. State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.R. Vyas, Advocate for Petitioner.
Shri Anup Badar, APP for Respondents.

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Coram : Nitin B. Suryawanshi and M.W. Chandwani, JJ.
Dated : January 07, 2025.

This petition filed under Articles 226 and 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 and Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, seeks following reliefs :

- (i) quash and set aside communication dated 25-7-2023 (Annexure no.v) issued by the office of Economic Offences Wing, Nagpur City, Nagpur, in the interest of justice.
- (ii) Direct respondent no.3, Commissioner of Police, Nagpur City, Nagpur to act on complaint dated 27-4-2023 (Annexure no.IV) considering provisions of Code of Criminal Procedure, in the interest of justice.

2. It is the grievance of the petitioner that by complaint dated 27-4-2023 addressed to the Commissioner of Police, Nagpur City, Nagpur, petitioner complained that he and four others named

in the complaint were lured by one Kishor Meshram to invest in (a) A S Traders and Developers LLP, Kolhapur, (b) A S Tradewing Solution LTD and (c) Capitus Cekers Traders and Developers LLP. Kolhapur, with a promise of assured handsome returns.

3. During the period between 2021, till the date of complaint, petitioner and 4 others named in the complaint invested a total amount of Rs.84,30,000/- through R.T.G.S. etc. in the said companies. Though initially some amounts were paid to them by Kishor Meshram, however, subsequently they came to know about illegalities committed by the said companies, hence they asked to return the money, which was not returned to them. Hence, they are duped of Rs.84,30,000/- by the accused persons named in the complaint.

4. Petitioner received a communication dated 25-7-2023 under the signature of Shri Rizwan Shaikh, Assistant Police Inspector, Economic Offences Wing, Nagpur City, informing that as one offence imputing similar allegations is already registered against the said Companies, their Directors and other accused persons, which is being investigated by Sahupuri Police Station, Kolhapur, hence with permission of the superior officers, the complaint of the petitioner and four other investors is forwarded to the said Police Station. Petitioner and others should approach the Sahupuri Police Station, District-Kolhapur.

5. We have heard learned advocate for the petitioner and learned Additional Public Prosecutor for the respondents, instructed by Shri Rizwan Shaikh, Assistant Police Inspector, who is

present in the Court. Upon his instructions, learned Additional Public Prosecutor makes a statement that Crime No.102/2024 is registered with Sakkardara Police Station, Nagpur against the said Companies, their Directors and other accused persons, at the instance of one of the investors namely, Avinash Janardan Nikarne, making similar allegations. In the said First Information Report, names of 102 investors, who were duped by the accused persons, are mentioned. It is submitted that in view of registration of the said First Information Report, the communication dated 25-7-2023 impugned in the present petition is being withdrawn.

6. Learned advocate for the petitioner then submitted that the complaint forwarded by the petitioner along with four other investors to the Commissioner of Police, Nagpur City, Nagpur, needs to be registered, as the same discloses commission of cognizable offences.

7. Learned Additional Public Prosecutor for the respondents/State submits that there would be multiple First Information Reports, if the First Information Report of the petitioner is registered. He further states that the petitioner's name will be included in the First Information Report registered with Sakkardara Police Station, Nagpur.

8. The approach on the part of the respondents in not registering the First Information Report of the petitioner, which discloses cognizable offences, is contrary to the ratio in *Lalita Kumari .vs. Government of Uttar Pradesh and others*, reported in (2014) 1 SCC (Cri) 524, which lays down that the Investigating

Officer is duty bound to register the crime if cognizable offence is disclosed.

9. Faced with this situation, the Investigating Officer, who is present in the Court, states that the First Information Report of the petitioner will be registered and necessary investigation would be carried out.

10. On registration of the First Information Report of the petitioner, the Investigating Officer can conduct a joint investigation in the First Information Report lodged with Sakkardara Police Station, Nagpur and petitioner's First Information Report.

11. In view of statement of Investigating Officer, grievance of petitioner is redressed. Hence the petition is disposed of.

(M.W. Chandwani, J.)

(Nitin B. Suryawanshi, J.)