



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

CRIMINAL WRIT PETITION NO. 151 OF 2025

Vasantmala Ram Khobragade -Vs- State of Maharashtra and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms.Sonal Tripathi, counsel for the petitioner/s.
Mr.N.S.Rao, A.P.P for respondent Nos.1 to 3.

**CORAM: NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.**

DATE: 4th MARCH, 2025.

1. The challenge in this writ petition is to the order of the State Government, whereby permission sought by the petitioner to prosecute the Investigating Officer came to be rejected.

2. It is the contention of the learned counsel appearing for the petitioner that pursuant to an order dated 11/09/2017, passed by the Judicial Magistrate First Class, Chandrapur, in Miscellaneous Criminal Application No.521 of 2017 (Vasantmala .Vs. State and ors), the order to investigate under Section 156 (3) came to be passed against the non-applicant No.5. The respondent No.4 to the present petition, who has investigated the offence, in question has given divergent reports, one at page 71 and another at page 86. It is claimed that on the same set of facts since the contradictory reports are given, the

prosecution of the respondent No.4 is necessary. At the outset, we are required to note that the obligation in the criminal complaint which led to the registration of the offence and the investigation speaks of the existence of a civil dispute.

3. Apart from above, we fail to understand as to the nature of the offence committed by the respondent No.4 by submitting two reports as there is no specific material to infer that the respondent No.4 has acted with a criminal intention to commit the offence so as to practice fraud on the petitioner. Rather, the petitioner if so desire, can file an objection before the Magistrate in view of the summary report submitted by the Investigating Officer. In this background, we see no reason to cause interference in the order refusing to grant permission to prosecute. That being so, the Writ Petition fails.

4. The Writ Petition stands dismissed.

(MRS. VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)