

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

CRIMINAL WRIT PETITION NO.1644 OF 2025

Ashok Ramchandra Kadam

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

Ms. Manjusha Kudre a/w. Mr. Aniket Shinde,
Advocates for the Petitioner

Mr. J. P. Yagnik, Additional Public Prosecutor the
Respondent No.1-State

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 13th FEBRUARY 2026

P.C. :

The petitioner seeks a direction for furnishing a complete detail of the charge-sheet in First Information Report No.5 of 2009 (in short FIR). He is also seeking an inquiry as to whether a charge-sheet was actually filed in the said FIR.

2. The petitioner, a police constable, while on duty became acquainted with the respondent no.3 who was forming a Co-operative Housing Society. He persuaded the petitioner to invest in the project. The respondent no.3 assured him that he would assist in securing a loan from HDFC Bank through his acquaintance, the then-Branch Desk Manager, Mr. Sudhir Juvekar and upon such assurance the petitioner agreed to invest and paid Rs. 25,000/- in cash as membership fees for the proposed Society, namely, Shree Ganesh CHS Ltd. Subsequently, the petitioner and the construction firm executed and registered an Agreement to Sell dated 16th October 2002 for a sum of Rs. 5,52,000/- and a share certificate for Flat No.

302-D was duly endorsed in his name. A dispute arose when he received a demand letter dated 2nd February 2006 from the construction firm for Rs.1,17,440/-. The respondent no.8 issued a second demand letter on 22nd February 2006 again mentioning the incorrect flat number and demanded Rs.11,000/-which the petitioner refused to pay. The petitioner addressed several letters to the construction firm seeking correction of the flat number and requesting a refund of the amount paid by him. In response, he received a cancellation letter dated 25th November 2007. By an order dated 28th June 2022, the Bandra Consumer Commission directed the respondent nos. 4 to 8 to handover possession of the said flat to the petitioner.

3. Pertinently, the petitioner filed a complaint under section 156(3) of the Code of Criminal Procedure, 1973 which was registered as C.C. No.2600170 and MERC No.5 of 2009 was registered on 10th March 2009. The scheme under the Code of Criminal Procedure, 1973 provides that a complainant if aggrieved by the charge-sheet filed in a criminal case can still file his protest-cum-complaint case which can be taken cognizance of by the jurisdictional Magistrate. The learned counsel for the petitioner, however, refers to page no.201 of the paper-book that no report was filed by the police. This submission is misconceived. A report in the proceedings under section 156(3) of the Code of Criminal Procedure, 1973 is a report submitted by the police and it is not a charge-sheet as understood under section 172 of the Code of Criminal Procedure, 1973.

4. Writ Petition No.1644 of 2025 is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]