

JVS.

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

**CRIMINAL WRIT PETITION NO. 5542 OF 2025**

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Jitendra Punamchand Maru } Petitioner  
Vs.  
The Central Bureau of Investigation }  
& Ors. } Respondents

Mr. Rajendra Desai a/w Mr. Kunal Bhanage i/by  
Mr. Akshay Pawar, Advocates for the Petitioner.

Mr. Amit Munde, SPP a/w Mr. Jai Vohra for Respondent  
No.1-CBI.

Mr. Anil C. Singh, Additional Solicitor General a/w  
Ms. Neha N. Patil, AOR a/w Mr. Aditya Thakkar,  
Mr. Krishnakant Deshmukh, Adarsh Vyas, Rama Gupta  
& Mr. Rajdatt Nagre for Respondent No.2-UoI.

Mr. S. V. Gavand, Additional Public Prosecutor for  
Respondent No.3-State.

Mr. Harish Salve, Senior Advocate, through V.C., a/w  
Mr. Vikram Nankani, Senior Advocate, Mr. Rubin Vakil,  
Mr. Ashwin Dave, Mr. Rishit Badiani & Mr. Gaurav  
Gangal i/by A. S. Dayal & Associates, Advocates for  
Respondent No. 4.

**CORAM: SHREE CHANDRASHEKHAR, C.J. &  
SUMAN SHYAM, J.**

**RESERVED ON : 23<sup>rd</sup> MARCH 2026**  
**PRONOUNCED ON : 27<sup>th</sup> MARCH 2026**

**JUDGMENT**

**Per, Shree Chandrashekhar, CJ:**

The petitioner is seeking a direction to the Central Bureau of Investigation (in short, CBI) to register a First Information Report for commission of the offences under sections 378, 379, 403, 409, 410, 411, 413, 414 read with section 120B of the Indian Penal Code, 1860 by the Reliance Industries Limited (in short, RIL), its

owners/Directors and all other known and unknown accused persons and investigate the matter against them.

2. The petitioner states that the private companies were permitted under the New Exploratory Licensing Policy to enter the exploration business for extracting minerals and petroleum from high seas. Under a contract awarded to the RIL, it was permitted exploration of the Krishna Godavari basin over an area of 7645 square kms. According to the petitioner, the RIL started tapping gas from the oil wells of the Oil and Natural Gas Corporation (in short, ONGC) through sideways drilling into the adjacent ONGC wells. It is stated that a complaint was made in this regard by the ONGC to the Government of India and the RIL put forth a stand that it was within its contractual rights to extract the migratory gas from the ONGC wells. Later on, the dispute between the parties was sought to be resolved by appointing M/s. De Golyer and Macnaghten for a report on the allegations and counter allegations by the parties. The petitioner further states that in the report dated 19<sup>th</sup> November 2015 the said Firm stated that the RIL had tapped and extracted gas from the ONGC wells without authority. When the said report was made available to the Central Government, it constituted a Committee comprising of Chief Justice A. P. Shah (Retd.) to evaluate the said report and make recommendations as regards the future course of action to be taken by the Government of India. According to the petitioner, the Committee concluded that the RIL had illegally extracted gas worth about USD 155207106.80 from the ONGC wells but the RIL did not pay the quantified amount and invoked the arbitration proceedings. The petitioner lodged a complaint with the CBI for registration of First Information Report but no action thereon was taken by the CBI. Constrained, he filed

the present writ petition.

3. In the affidavit filed on behalf of the CBI, it is stated that the dispute between the RIL and ONGC was brought before the Delhi High Court in Writ Petition (C) No.3054 of 2014 but, in the meantime, both parties entered into an agreement for appointment of an independent third party to study the alleged migration of gas. The CBI affirms that the preliminary report prepared by M/s. De Golyer and Macnaghten was forwarded by the RIL to the Central Government and the final report dated 31<sup>st</sup> January 2003 was also sent to the Director General of Hydrocarbons. The CBI states that the allegations set-forth in the complaint made by the petitioner, *prima facie*, appear to be a civil dispute. It further states that the order passed by the High Court of Delhi does not indicate any direction for registration of a First Information Report. The complaint filed by the petitioner was accordingly closed and an intimation was given to him through letter dated 30<sup>th</sup> September 2025. The CBI takes an objection to the prayers made in this writ petition on the ground that no complaint has been made by the ONGC or the Union of India, which may alone hold any outstanding demand against the RIL. The CBI has taken a position that the ONGC is in possession of all relevant documents and agreements and it may take a decision in the matter if it deems appropriate.

4. In the affidavit-in-reply filed on behalf of the RIL, it is stated that the petitioner has deliberately suppressed vital facts in the petition and he is guilty of *suppressio veri and suggestio falsi*. The petitioner is an interloper who has filed this writ petition with an oblique motive for a collateral purpose to bring the Company into disrepute and garner publicity for himself. The petitioner has made irresponsible statements and *mala fides* of the petitioner in

instituting this writ petition are *ex facie* apparent on the face of the record. The allegation by the petitioner that there was theft of gas or that the ONGC ever alleged that its wells were drilled sideways are just figment of the petitioner's imagination. The Production Sharing Contract (in short, PSC) was executed on 12<sup>th</sup> April 2000 between the Union of India, RIL and NIKO Resources Limited (in short, NIKO). Later on, BP Exploration (Alpha) Limited (in short, BP) also became a party to the PSC and NIKO assigned its participating interest in the RIL to BP. The Block KG-D6 developed by the RIL and BP was the first ultra deep-water development of a hydrocarbon field in the country. The successful discovery and development of gas in Block KG-D6 marked a major milestone in India's upstream petroleum sector. The RIL has narrated the genesis of the dispute and states that the very basis of this writ petition is derived from a contractual dispute. The RIL asserts that the present writ petition is, therefore, misconceived, devoid of any merit, not maintainable and liable to be dismissed.

5. Mr. Rajendra Desai, the learned counsel for the petitioner commenced his arguments with an objection that the RIL has no right of hearing at this stage. He referred to the decision in "*Anju Chaudhary*"<sup>1</sup> and, in particular, paragraph nos. 30 to 35 whereunder the Hon'ble Supreme Court held as under:

*30. Section 154 of the Code places an unequivocal duty upon the police officer-in-charge of a police station to register FIR upon receipt of the information that a cognizable offence has been committed. It hardly gives any discretion to the said police officer. The genesis of this provision in our country in this regard is that he must register the FIR and proceed with the investigation forthwith. While the position of law cannot be dispelled in view of the three-Judge Bench judgment of this Court in State of U.P. v. Bhagwant Kishore Joshi [AIR 1964 SC 221 : (1964) 1 Cri LJ 140] , a limited discretion is*

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1 Anju Chaudhary v. State of Uttar Pradesh & Anr.: (2013) 6 SCC 384

*vested in the investigating officer to conduct a preliminary inquiry pre-registration of an FIR as there is absence of any specific prohibition in the Code, express or implied. The subsequent judgments of this Court have clearly stated the proposition that such discretion hardly exists. In fact the view taken is that he is duty-bound to register an FIR. Then the question that arises is whether a suspect is entitled to any pre-registration hearing or any such right is vested in the suspect.*

*31. The rule of audi alteram partem is subject to exceptions. Such exceptions may be provided by law or by such necessary implications where no other interpretation is possible. Thus rule of natural justice has an application, both under the civil and criminal jurisprudence. The laws like detention and others, specifically provide for post-detention hearing and it is a settled principle of law that application of this doctrine can be excluded by exercise of legislative powers which shall withstand judicial scrutiny. The purpose of the Criminal Procedure Code and the Penal Code, 1860 is to effectively execute administration of the criminal justice system and protect society from perpetrators of crime. It has a twin purpose; firstly to adequately punish the offender in accordance with law and secondly, to ensure prevention of crime. On examination, the scheme of the Criminal Procedure Code does not provide for any right of hearing at the time of registration of the first information report. As already noticed, the registration forthwith of a cognizable offence is the statutory duty of a police officer-in-charge of the police station. The very purpose of fair and just investigation shall stand frustrated if pre-registration hearing is required to be granted to a suspect. It is not that the liberty of an individual is being taken away or is being adversely affected, except by the due process of law. Where the officer-in-charge of a police station is informed of a heinous or cognizable offence, it will completely destroy the purpose of proper and fair investigation if the suspect is required to be granted a hearing at that stage and is not subjected to custody in accordance with law. There would be predominant possibility of a suspect escaping the process of law. The entire scheme of the Code unambiguously supports the theory of exclusion of audi alteram partem pre-registration of an FIR. Upon registration of an FIR, a person is entitled to take recourse to the various provisions of bail and anticipatory bail to claim his liberty in accordance with law. It cannot be said to be a violation of the principles of natural justice for two different reasons : firstly, the Code does not provide for any such right at that stage, secondly, the absence of such a provision clearly demonstrates the legislative intent to the contrary and thus necessarily implies exclusion of hearing at that stage. This Court in Union of India v. W.N. Chadha*

[1993 Supp (4) SCC 260 : 1993 SCC (Cri) 1171] clearly spelled out this principle in para 98 of the judgment that reads as under : (SCC p. 293)

“98. If prior notice and an opportunity of hearing are to be given to an accused in every criminal case before taking any action against him, such a procedure would frustrate the proceedings, obstruct the taking of prompt action as law demands, defeat the ends of justice and make the provisions of law relating to the investigation lifeless, absurd and self-defeating. Further, the scheme of the relevant statutory provisions relating to the procedure of investigation does not attract such a course in the absence of any statutory obligation to the contrary.”

32. In *Samaj Parivartan Samudaya v. State of Karnataka* [(2012) 7 SCC 407 : (2012) 3 SCC (Cri) 365] , a three-Judge Bench of this Court while dealing with the right of hearing to a person termed as “suspect” or “likely offender” in the report of the CEC observed that there was no right of hearing. Though the suspects were already interveners in the writ petition, they were heard. Stating the law in regard to the right of hearing, the Court held as under : (SCC p. 426, para 50)

“50. There is no provision in CrPC where an investigating agency must provide a hearing to the affected party before registering an FIR or even before carrying on investigation prior to registration of case against the suspect. CBI, as already noticed, may even conduct pre-registration inquiry for which notice is not contemplated under the provisions of the Code, the Police Manual or even as per the precedents laid down by this Court. It is only in those cases where the court directs initiation of investigation by a specialised agency or transfer investigation to such agency from another agency that the court may, in its discretion, grant hearing to the suspect or affected parties. However, that also is not an absolute rule of law and is primarily a matter in the judicial discretion of the court. This question is of no relevance to the present case as we have already heard the interveners.”

33. While examining the abovestated principles in conjunction with the scheme of the Code, particularly Sections 154 and 156(3) of the Code, it is clear that the law does not contemplate grant of any personal hearing to a suspect who attains the status of an accused only when a case is registered for committing a particular offence or the report under Section 173 of the Code is filed terming the suspect an accused that his rights are affected in terms of the Code. Absence of specific provision requiring grant of hearing to a suspect and the fact that the very purpose and object of fair investigation is

*bound to be adversely affected if hearing is insisted upon at that stage, clearly supports the view that hearing is not any right of any suspect at that stage.*

*34. Even in the cases where report under Section 173(2) of the Code is filed in the court and investigation records the name of a person in column (2), or even does not name the person as an accused at all, the court in exercise of its powers vested under Section 319 can summon the person as an accused and even at that stage of summoning, no hearing is contemplated under the law.*

*35. Of course, situation will be different where the complaint or an application is directed against a particular person for specific offence and the court under Section 156 dismisses such an application. In that case, the higher court may have to grant hearing to the suspect before it directs registration of a case against the suspect for a specific offence. We must hasten to clarify that there is no absolute indefeasible right vested in a suspect and this would have to be examined in the facts and circumstances of a given case. But one aspect is clear that at the stage of registration of a FIR or passing a direction under Section 156(3), the law does not contemplate grant of any hearing to a suspect.*

6. As the petitioner seeks registration of First Information Report against the RIL, its Directors etc. for commission of the specific offences, the objection raised on behalf of the petitioner to the grant of hearing to the RIL was overruled on 23<sup>rd</sup> March 2026 and the following order was passed by this Court :-

*“On 10<sup>th</sup> March 2026, we passed the following order:*

*“Mr. Kunal Bhanage, the learned vice counsel for the petitioner is seeking adjournment on the ground of personal difficulty of Mr.Rajendra Desai.*

*2. On 24<sup>th</sup> February 2026, the learned counsel for the petitioner responding to the objection taken on behalf of Reliance Industries Limited stated that this corporate entity is not required to be heard at this stage in this writ petition as there are judgments of the Hon’ble Supreme Court to this effect. However, the learned counsel for the petitioner was directed to supply a copy of the writ petition to the learned counsels appearing for the parties.*

*3. It is stated at the Bar by Mr. Vikram Nankani, the learned senior counsel that a copy of the writ petition has been served to his assisting counsel and a reply-affidavit has been made ready. Let a copy of the reply-affidavit be served upon the*

*learned vice counsel for the petitioner and the learned counsels appearing for the other respondents.*

*4. Mr.Kunal Bhanage, the learned vice counsel for the petitioner states that there was a determination by the Delhi High Court in FAO(OS) (COMM) 201/2023 titled “Union of India v. Reliance Industries Limited & Ors.”, a copy of which has ben annexed vide Exhibit-”A” at running page no. 23. Mr.Kunal Bhanage, the learned vice counsel for the petitioner further states that the order passed in FAO(OS) (COMM) 201/2023 has been challenged before the Hon’ble Supreme Court, however, there is not mention about any such proceeding pending before the Hon’ble Supreme Court.*

*5. Having regard to the facts and circumstances in the case, Reliance Industries Limited is added as respondent no.4 in the present proceedings. Necessary amendment be carried out by Mr.Kunal Bhanage, the learned vice counsel for the petitioner with red ink in course of the day.*

*6. Post the matter on 23<sup>rd</sup> March 2026 to be listed First on Board.”*

*2. The petitioner is present in the Court and states that previously he was engaged in the business of sale of plastic. But presently there is no business activity carried out by him. On a Court’s query, Mr.Rajendra Desai, the learned counsel for the petitioner, who is present in the Court, states that all facts stated in this writ petition have been derived from the judgment of the Delhi High Court in FAO(OS) (COMM) 201/2023 tilted “Union of India v. Reliance Industries Limited & Ors.”.*

*3. Except stating that the petitioner has right in law to file a complaint seeking registration of a First Information Report, no argument has been advanced by Mr. Rajendra Desai, the learned counsel for the petitioner.*

*4. On a further query from the Court why the petitioner waited for about 15 years before approaching this Court with a prayer for registration of a First Information Report, the learned counsel for the petitioner states that only after a judgment was delivered by the Delhi High Court rendering a finding as to fraud played upon Government of India, the petitioner has approached this Court. Mr. Rajendra Desai, the learned counsel for the petitioner referred to the decision in “Anju Chaudhary v. State of Uttar Pradesh & Anr.” (2013) 6 SCC 384 and submitted that the private respondent has no right in law at this stage to be heard by this Court. The learned counsel for the petitioner referred to several paragraphs in “Anju Chaudhary” to support this submission. However, on a glance at the decision in “Anju Chaudhary”, we gather that the said decision was delivered in a peculiar facts and circumstances in the case. A First Information Report was already*

*lodged and the complaint filed by one Parvez Parwaz under section 156(3) of the Code of Criminal Procedure was rejected by the jurisdictional Magistrate. In paragraph no.35 of the said decision after dwelling upon the powers of the Court to entertain a petition filed under section 156(3) of the Code of Criminal Procedure, the Hon'ble Supreme Court has in no uncertain words indicated that where a complaint has been filed against a particular individual, the High Court is required to hear that person.*

5. *Mr. Anil C. Singh, the learned Additional Solicitor General states that the petitioner himself had stated in this petition that he filed a private complaint in the District Court at Silvassa which he later on withdrew. Mr. Vikram Nankani, the learned senior counsel for the respondent no.4 submits that filing of this writ petition is an abuse of the process of the Court. The petitioner has approached this Court with a prayer for registration of a First Information Report with an oblique motive.*

6. *Judgment is reserved."*

7. The petitioner states that his right to file a complaint to set the criminal law in motion is recognized in law. However, if the writ petition seeking registration of a First Information Report is entertained on the basis of certain observations made by the Court, as claimed by the petitioner, there shall be serious consequences and repercussions. In our opinion, this is not in public interest that a writ petition based on certain observations made by the Court is entertained and a direction for registration of a First Information Report is issued by the High Court. The registration of a criminal case is a very serious matter and it entails drastic consequences to the proposed accused person. There is no reason indicated in the writ petition and the petitioner who was present in the Court could not offer any explanation why he did not approach the Court earlier if at all he had a genuine reason to believe that any crime was committed in respect of the tapping of gas from ONGC oil wells.

8. In a writ petition of this nature, the High Court is required to examine whether the petitioner is seeking any personal gain or

there is private or oblique motive behind filing of the petition. The professed cause and the purpose behind this petition which is masked as the public cause are mere pretentious projections. The petitioner stated in the Court that he was previously engaged in the business of sale of plastics but he could not disclose any details of such a business. Interestingly, the petitioner further stated that he was not carrying on any business activity as of now. He also stated that he is a social worker but failed to apprise this Court about any social activity by him. This writ petition is in the nature of a public interest litigation which does not serve any public purpose. There must be a public law element involved in the writ petition because the High Court takes a decision only upon considerations germane to the public law. It is the duty of the High Court to examine the relevant materials and bestow its considerations as to whether the prayer if granted would serve any public cause. This is the experience across the High Courts that the writ petitions of this kind or a petition masked as a public interest litigation is filed at the behest of the failed competitor or a rival business house or a disgruntled person. A petition like the present one causes serious harm to the reputation and business prospects of any Corporate entity. An attempt like this carries an inbuilt threat which may percolate into the minds of the business partners of any Corporate entity and thus threatening a present or future business partnership.

9. This writ petition is clearly an abuse of the process of the Court. The learned counsel for the petitioner stated that the petitioner gathered information from a newspaper report about commission of the crime pertaining to the ONGC wells. Merely because the petitioner makes certain allegations in this writ

petition, he cannot claim to have a right in law to seek registration of the First Information Report against the fourth respondent, its officers, Directors etc. The justification sought to be put-forth by the petitioner for approaching this Court more than a decade after the dispute erupted between the RIL and Union of India is false explanation. There was an arbitral award made on 24th July 2018 in favor of the RIL. A challenge made to this arbitral award by the Union of India before the Delhi High Court failed and the petition under section 34 of the Arbitration and Conciliation Act, 1996 was dismissed by an order dated 9<sup>th</sup> May 2023. However, a Division Bench of the Delhi High Court interfered with and overturned the judgment dated 9<sup>th</sup> May 2023 in an appeal filed under section 37 of the Arbitration and Conciliation Act, 1996. This order has been challenged by the RIL before the Hon'ble Supreme Court and the Special Leave to Appeal (C) No.17584 of 2025 is pending consideration.

10. The powers under Article 226 of the Constitution of India are exercised by the High Court in public interest and not to effectuate any private interest. A person approaching the writ Court must establish his *bona fides*. He must come clean to the Court and not with soil hands which has suppressed material facts from the Court. He must also *prima facie* demonstrate that he is entitled for the reliefs as claimed in the petition. This writ petition fails on each count and has been filed with a tainted motive.

11. For the aforesaid reasons, we do not find any merit in this writ petition which is, accordingly, dismissed.

**[SUMAN SHYAM, J.]**

**[CHIEF JUSTICE]**