

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 6556 OF 2025

Mrs. Jayshri Nilesh Pathare

...Petitioner

Versus

Deputy Director,
Enforcement Directorate, Mumbai Zone-II
And Anr.

...Respondents

Mr. Sagar S. Tilak a/w Ms. Preshita Adamane & Ms. Saachi Bhiwandkar,
learned Advocate for the Petitioner.

Mr. Sukanta A. Karmarkar, learned A.P.P. for the State/Respondent No. 2.

CORAM : ASHWIN D. BHOBE, J.

DATE : 5th JANUARY 2026.

P.C. :

1. By the present Petition, the Petitioner has sought for the following reliefs :-

“A. That this Hon'ble Court may be pleased to issue Writ of Certiorari or any other appropriate Writ under Article 227 of the Constitution of India calling for the records of the case leading to the issuance of the impugned order of Appeal passed by the Appellate Tribunal dated 09.07.2025 (Exhibit-A), impugned Provisional Attachment Order dated 02.05.2023 (Exhibit-B), impugned show cause notice dated 07.06.2023 (Exhibit-C), impugned order of Original Complaint 1989/2023 dated 16.10.2023 (Exhibit-D) and impugned eviction notice dated 25.10.2023 (Exhibit-E) and after going through the same quash, cancel and set aside the impugned order qua Petitioner.

B. That this Hon'ble Court may be pleased to issue Writ of Prohibition or any other appropriate Writ order or under Article 226 of the Constitution of India ordering Respondent No. 1 not to take any action in furtherance of the impugned order of Appeal passed by the Appellate Tribunal dated 09.07.2025 (Exhibit-A), impugned Provisional Attachment Order dated 02.05.2023 (Exhibit-B), impugned show cause notice dated 07.06.2023 (Exhibit-C), impugned order of Original Complaint 1989/2023 dated 16.10.2023 (Exhibit-D) and impugned eviction notice dated 25.10.2023 (Exhibit-E) qua Petitioner.

C. That pending the hearing and final disposal of this petition, the Respondent, its successors in office, subordinates, servants and agents be restrained by an order and injunction of this Hon'ble High Court from taking any steps pursuant to the impugned order of Appeal passed by the Appellate Tribunal dated 09.07.2025 (Exhibit-A), impugned Provisional Attachment Order dated 02.05.2023 (Exhibit-B), impugned show cause notice dated 07.06.2023 (Exhibit-C), impugned order of Original Complaint 1989/2023 dated 16.10.2023 (Exhibit-D) and impugned eviction notice dated 25.10.2023 (Exhibit-E) qua Petitioner.

D. Alternatively, the Petitioner may be allowed to make payment of the amount equivalent to the cost of acquisition of her residential house which is flat no. 201, Felicita, Baner against which the Respondent No. 1 may release the said property.

E. For costs of the Petition.

F To grant ad-interim reliefs during the pendency of the proceedings as the Hon'ble Court may deem fit.

G. For ad-interim reliefs in terms of abovementioned prayers.

H. For any other and further reliefs as this Hon'ble Court may deem fit.”

2. The impugned order dated 09.07.2025 in Case No. MP-PMLA-13940/MUM/2023 (Exem.): MP-PMLA-13939/MUM/2023 (Stay): FPA-PMLA-6873/MUM/2023 at Exhibit-A reads as follows :-

“Ld. Counsel for the Appellant is fair to state that the three flats made subject matter of the provisional attachment were not purchased by the Appellant though the Deed has been registered in her name. She does not claim any right in the flats so as to further pursue the Appeal for challenge to the Provisional Attachment Order. She however residing in one of the flat out of three and being lady, if reasonable time is given to vacate the flat, the Appeal is not required to be pressed further.

Ld Counsel for the Appellant was asked to take instructions from his client as to when she may conveniently vacate the flat. The instruction has been sought. It is informed that the Appellant is willing to vacate the flat within the period of four months.

We have considered the rival submissions and appreciate the fairness of the Appellant and her Counsel to state that despite registration of the flat in her name, since consideration was paid by someone else, the Appellant does not made claim on the flats. Looking to the aforesaid, we dispose of the Appeal without causing interference in the impugned order. The Appellant would vacate the flat within six months. The period aforesaid has been given looking to the fairness of the Appellant and with the aforesaid the Appeal is disposed of.”

3. Perused memo of the Petition.

4. Upon a query being made to Mr. Sagar Tilak, learned Advocate for the Petitioner as to how the present Petition would be tenable on the face of the statements made by the Petitioner before

the Appellate Tribunal under SAFEMA, New Delhi in the context of the three flats and further the observations of the said Appellate Tribunal under SAFEMA, New Delhi.

5. Mr. Sagar Tilak, learned Advocate for the Petitioner on instructions from the Petitioner seeks leave to withdraw this Petition. He submits that the Petitioner intends to substitute the property and therefore, the Petitioner would apply to the Appellate Tribunal under SAFEMA, New Delhi.

6. Mr. Sukanta Karmarkar, learned A.P.P. for the State/Respondent does not object for grant of the request of withdrawal, made by Mr. Sagar Tilak, learned Advocate for the Petitioner.

7. In view of the above, leave to withdraw the present Writ Petition is granted. Writ Petition No. 6556 of 2025 is disposed of as withdrawn.

[ASHWIN D. BHOBE, J.]

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by GITALAXMI
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KOTAWADEKAR
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