

JVS.

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

CRIMINAL WRIT PETITION NO. 6671 OF 2025

Masood Hafiz Ahmed Khan	}	Petitioner
Versus		
The State of Maharashtra & Ors.	}	Respondents

Mr. Mohammed Oomar Farukh Shaikh, Advocate for the Petitioner.
Ms. M. M. Deshmukh, In-Charge Public Prosecutor with Mr. J. P. Yagnik, APP for Respondent No.1

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

DATE: 10th FEBRUARY 2026

P.C.:

The petitioner who claims that he is a permanent resident of Noor Co-operative Housing Society Limited, Sector 9A, Vashi, Navi Mumbai and a victim is seeking a direction to the respondent authority not to file any charge-sheet, supplementary charge-sheet or final report in connection to First Information Report No. 356 of 2025. He is also seeking an order staying all further proceedings in connection to the said First Information Report. In connection to First Information Report No. 356 of 2025, the petitioner seeks a declaration that the investigation carried out so far is defective, bias, selective and vitiated in law and, therefore, the investigation in First Information Report No. 356 of 2025 shall be carried out under continuous supervision and monitoring of this Court through a specially appointed investigating agency.

2. It was on the basis of a complaint dated 3rd November 2025 sent to the Superintendent of Police and Director General, ACB

making an allegation that Rs.Five lakh was paid to Vijay Mhatre and Pratap Patil by the Builder through their agents, namely, Nasir and Ms. Vadve, the First Information Report was lodged.

3. The pleadings in this writ petition which refer to the statement of witnesses, *panchanama* and, in particular, the conversation between Mahesh Kamotkar and Vijay Mhatre who allegedly stated that “*document of Patil Sir has been received*” (सर पाटील साहेबांचे डॉक्युमेंट भेटले...) disclose that the petitioner has access to the steps taken by the Investigating Officer in course of the inquiry and the investigation. There is no manner of doubt that the diary of the proceedings regarding investigation under the Code of Criminal Procedure, 1973 (now Bharatiya Nagrik Suraksha Sanhita, 2023) setting forth the time at which the information reached the Investigating Officer, the time at which he started the investigation and closed the investigation etc. are confidential records access to which the petitioner could not have. Even after a charge-sheet is filed, the accused cannot insist on providing the complete set of case diary except the statements of the witnesses recorded under section 161 of the Code of Criminal Procedure, 1973 [refer: “*Sidhartha Vashisht @ Manu Sharma v. State (NCT Of Delhi)*” (2010) 6 SCC 1].

4. The learned counsel for the petitioner tenders a copy of the communication dated 9th January 2026 in which the Investigating Officer has indicated that the investigation carried out so far by him did not yield any result and the petitioner has been asked by the Investigating Officer to supply any material which would help him in further investigation to ascertain the truthfulness regarding the allegation of bribe against the accused persons.

5. In the aforementioned state of affairs, we hold that filing of this writ petition is an abuse of the process of the Court.

6. Writ Petition No. 6671 of 2025 is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

JAYANT
VISHWANATH
SALUNKE

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