



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.6749 OF 2025**

Bhargav Patel and Ors. ... Petitioners
versus
Tushar Manganlal Sonigra and Anr. ... Respondents

Mr. Yashpal M. Thakur, for Petitioners.
Mr. Prashant Chaudhary i/by Mr. Shivam Deshmukh, for Respondent No.1.
Mr. P.P.Malshe, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 7 MARCH 2026

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 2 December 2025 passed by the learned Metropolitan Magistrate, Andheri, whereby process has been issued against the Petitioners for the offences punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code.
3. This is a third round of litigation before this Court against an order of issuance of process in the very same case. First order was set aside by this Court by an order dated 4 September 2023, directing the learned Magistrate to record the complainant's verification as per Section 200 of the Code of Criminal Procedure, 1973 and make a decision on the complaint in accordance with law, after adhering to the stipulations under Section 200 of the Code.

4. As an identical mistake was committed by the learned Magistrate, the Petitioners again approached this Court in WP No.577 of 2025. By an order dated 18 February 2025, a learned Single Judge of this Court was again persuaded to quash and set aside the order of issuance of process as the learned Magistrate instead of recording verification as per Section 200 of the Code, had recorded evidence of the complainant and exhibited the documents. The said Writ Petition was disposed with the following directions :

“.....

3. In light of the above, issuance of process order in CC No.258/SW/22 dated 03.07.2024 passed by the Judicial Magistrate, First Class, 65 Court, Andheri, Mumbai, is set aside and the learned Magistrate is directed to record the complainant's verification statement strictly in accordance with Section 200 CrPC. After following the procedure prescribed u/s 200 CrPC, the learned Magistrate shall proceed to decide the complaint in accordance with the law and expedite the hearing of the case. The petition stands disposed of.”

5. On the third occasion, the learned Magistrate has recorded verification statement which is verbatim reproduction of the allegations in the complaint and passed the impugned order.

6. Learned Counsel for the Respondent No.1 -complainant concurs with the submission of the learned Counsel for the Petitioners that the impugned

order be quashed and set aside and the matter be again remitted back to the learned Magistrate.

7. That course seems to be inevitable in view of the manner in which the learned Magistrate has proceeded to exercise jurisdiction under Sections 200 and 204 of the Code.

8. The impugned order, thus, stands quashed and set aside and the case i.e. CC/258/SW/2022 is remitted back to the learned Magistrate to record verification statement strictly in compliance with the provisions contained in the Code and in terms of the orders passed by this Court on 4 September 2023 and 18 February 2025, relevant part of which is extracted above.

9. The Writ Petition stands disposed.

(N.J.JAMADAR, J.)