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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1195 OF 2025

IN

WRIT PETITION NO. 3456 OF 2012

Mangilal Akhreraj Kothari & Ors. ... Applicants

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr. Rishi Bhuta a/w Mr. Manish Bohra & Ms. Karishma Rajesh,
Advocate for Applicants.

Mr. Tanveer Khan, APP for Respondent - State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 4th FEBRUARY, 2026.

P.C. :

1. By the present Interim Application the Applicants have
sought for the following substantive relief in prayer clause 10 (a)
& (b) :-

*“a. that this Hon'ble Court may be pleased to
issue a writ of certiorari and/or any other
appropriate writ, order or direction in the nature of
certiorari in exercise of the powers vested in this
Hon'ble Court under Article 226 of the Constitution
of India thereby calling upon the entire
investigation papers and proceedings of the
impugned Complaint being FIR bearing No. 1-
106/2012 registered with Nizampura Police Station,
Bhiwandi, Thane dated 27/6/2012 and after*

examining the legality, validity and propriety of the registration of the FIR in respect thereof against the Petitioners in the facts and circumstances of the case, may be further pleased to quashed and set aside the FIR being No. 1-106/2012 dated 27/6/2012 registered with Nizampura Police Station, Bhiwandi. Thane;

b. That pending the hearing and final disposal of this Petition this Hon'ble Court be pleased to stay the further investigation concerning the FIR being No. No. 1-106/2012 dated 27/6/2012 registered with Nizampura Police Station, Bhiwandi, Thane against the Petitioners;"

2. Vide order dated 24th December, 2025, for the reasons recorded therein Applicants were permitted to serve the Respondent No. 3 by way of publishing notice in the English Daily "Free Press Journal" and Marathi daily "Lok Shakti" having circulation in Bhiwandi and Thane. Returnable date in this Application was fixed as 4th February, 2026.

3. Mr. Rishi Bhuta, learned Advocate for Applicants submits that the Applicants have complied with the order dated 24th December, 2025 and filed an affidavit of service along with the newspapers in the Registry of this Court in the month of January, 2026. He tenders a photostat copy of the affidavit of service along with the newspaper cuttings (2 Nos.), same are taken on record

and marked 'X colly' for identification.

4. Name of the Respondent No. 3 (Mr. Pankajkumar Chopda), was called out by the Shirestedar. None present.

5. Mr. Rishi Bhuta states that it was on account of a bonafide mistake on the part of the Advocates for the Petitioners that none was present before this Court on 2nd July, 2024 when the Criminal Writ Petition No. 3456 of 2012 was called out. He relies on the statements made in this application.

6. Mr. Tanveer Khan, learned APP submits that the Advocate for the Applicants having owned the responsibility for the absence on 2nd July, 2024, he leaves the matter to the Court.

7. Considering the statement of Advocate Mr. Rishi Bhuta that it was the Advocate's fault for the absence on 2nd July, 2024 and the statements in the Application being un-rebutted, this Application is allowed, subject to the Applicants paying costs of Rs. 10,000/-.

8. As the Respondent No. 3 has chosen not to contest this Application, said costs of Rs. 10,000/- shall be deposited in the following bank account within two weeks from today :-

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

9. Upon the proof of deposit of Rs. 10,000/- being tendered to the Registry of this Court, order dated 2nd July, 2024 passed in Criminal Writ Petition No. 3456 of 2012 shall stand recalled and the Criminal Writ Petition No. 3456 of 2012 restored to file.

10. Interim application disposed of.

(ASHWIN D. BHOBE, J.)