

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

CRIMINAL WRIT PETITION NO. 772 OF 2026

Saiprasad Dnyaneshwar Tambe and Anr. Petitioners.
V/s
State of Maharashtra and Ors. Respondents.

Adv. Rohita Shaikh i/b Adv. Javed Shaikh, Adv. Anil Nile for the petitioners.
Mrs. M.M. Deshmukh I/C. P.P. a/w Mr. S.V. Gavand, APP for the respondent no.1-State.

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

DATE : 23RD FEBRUARY 2026

PER, SHREE CHANDRASHEKHAR, CJ.

The present disputes arise out of the sale and exchange of one BMW X1 vehicle bearing Registration No. MH-48-P-9076 leading to the filing of the present FIR No.806 of 2025 registered on 8th November 2025 with Vartak Nagar Police Station.

2. The petitioners are engaged in the business of sale of imported cars. The respondent nos. 2 to 4 and the petitioner had an arrangement whereunder the respondents purchased the said luxury car and after a brief use of 6 months to one year, the respondents were to resell the car back to the petitioner, in exchange for a new one and the sale proceeds out of the same was to be adjusted against the purchase of the exchanged car. It was also agreed that any balance sum out of the said transaction was to be duly paid by the respondents. It is the case of the petitioners that the respondents have unlawfully attempted to extort money by causing damage to the

car in their possession and portraying the same as a defect during sale thereby alleging cheating at the behest of the petitioners.

3. Ms. Rohita Shaikh, the learned counsel for the petitioners states that the respondent no.5 has unauthorizedly and illegally retained BMW X1 vehicle which was given to him by the petitioner no.2. In support of the stand that the said car is in possession of the respondent no.4, the petitioners have stated that the petitioner no.2 has received traffic challans on 9th January 2024, 30th March 2024, 26th June 2024, 13th August 2024 and 12th August 2025. The learned counsel for the petitioners further states that the respondents have lodged a criminal case against the petitioners on false and frivolous grounds. However, the police is not taking action on the complaint made by the petitioners.

4. From the pleadings in this writ petition, this is gathered that it was a mutual arrangement between the petitioners and the respondent no.5 that he was permitted to use the imported car for sometime and then the said car was sold on depreciated value. In these facts, no direction of any nature whatsoever can be issued to the police and accordingly Criminal Writ Petition No.772 of 2026 is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]