



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.605/2024

Ishan s/o Mithilesh Pathak and another

Vs.

The State of Maharashtra, through Cyber Police Station, Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.M. Shukla, Advocate for petitioners
Ms S.S. Jachak, Addl.PP for respondent No.1/State

**CORAM : VINAY JOSHI AND
MRS. VRUSHALI V. JOSHI, JJ..**

DATED : 07/08/2024

Heard.

2. The petitioners are seeking to quash the order of learned Judicial Magistrate First Class, Nagpur, dated 14/06/2024 issuing directions to the police for registration of First Information Report as well as seeks for quashing the First Information Report in Crime No.84/2024 registered with Cyber Police Station, Nagpur, for the offences punishable under Section 406, 420 and 467 of the Indian Penal Code and Section 66 of the Information Technology Act, 2000.

3. The petitioners' learned Counsel would submit that the order of learned Magistrate is not in consonance with the decision of the Hon'ble Supreme Court in case of *Priyanka Srivastava and another Vs. State of Uttar Pradesh and others (2015) 6 SCC 287*. Since no affidavit has been filed as explained by this Court in case of *Sayed Anwar Ahmed and another Vs. The State of Maharashtra, (At the*

instance of Oshiwara Police Station, Mumbai) and another in Criminal Writ Petition No.924 of 2016 with Criminal Application No.486/2016.

4. It is submitted that the petitioners have no personal knowledge however, the allegations have been leveled without foundation. According to the petitioners, it is a commercial transaction out of which the report has been lodged to take vengeance.

5. Issue notice to the respondents, returnable after six weeks.

6. Ms. S.S. Jachak, Addl.P.P. waives notice for respondent No.1/State.

7. In the meantime, investigation may go on but charge-sheet shall not be filed without obtaining leave of this Court against the present petitioners.

(MRS. VRUSHALI V. JOSHI, J.) (VINAY JOSHI, J.)

R.S. Sahare