

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

WRIT PETITION NO. 3893 OF 2026

- 1] Shivaji Maruti Kamble,
Age 54 Years, Occ: Contractor,
Residing at Room No. 1208, Vrindavan
CHS, M.P. Mills Compound,
Mumbai 400 034;
- 2] Prathamesh Manohar Parab,
Age 28 years, Occu : Service,
Residing at Gold View, 1st Floor, Room
No.5, Behind Tardeo Petrol Pump, Tardeo,
Mumbai – 400 034.
- 3] Vikrant Vilas Tambe,
Age – 28 years, Occu.: Web Designer,
Residing at Temwadi, Near SM. High
School, Kankavli, District – Sindhudurg –
416 602

...Petitioner

Versus

- 1] State of Maharashtra
Through Gamdevi Police Station.
- 2] Sajjit Co-operative Housing Society
Limited, Sagar Villa, 38, Bhulabhai Desai
Road, Mumbai – 400 026.

...Respondents

.....

- Mr. Ajay Basutkar a/w. Ms. Shrti Bedekar, Advocate for the Applicant.
- Ms. Shilpa G. Talhar, APP for Respondent No.1 – State.
- Ms. Neha Sonawane, Advocate for Respondent No.2.
- PSI Rajendra Shinde, Gamdevi Police Station, present.

.....

RAJESHRI
PRAKASH
AHER
Digitally signed by
RAJESHRI PRAKASH
AHER
Date: 2026.08.10
20:21:19 +0530

Rajeshri Aher

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 10, 2026

P.C.:

1. Heard Mr. Basutkar, learned Advocate for the Applicant, Ms. Talhar, learned APP for the Respondent No.1–State and Ms. Sonawane, learned Advocate for Respondent No.2.

2. The present criminal Writ Petition is filed seeking quashing of the First Information Report (“FIR”, for short) and the charge sheet with regards to offences punishable under Sections 188, 269, 420, 465, 468 and 471 of the Indian Penal Code (“IPC”, for short) dated 28th August, 2021, pending before the Additional Chief Metropolitan Magistrate 40th Court, Girgaon, Mumbai. There are three accused who are the present Petitioners, and they are the residents of the Society. During the exigency of the Covid – 19 Pandemic, in order to ease and evade the entry protocols to the society, the Applicants had created fabricated Covid – 19 tests reports through the accused no. 3, a young web designer for the purpose of their security staff. The Petitioner Nos. 2 and 3 are merely 24 years old and in order to overcome the anxiety and difficulties faced by them during the said Covid – 19 Pandemic lock-down period, the aforesaid act was committed. When the Society's security personnel and Chairman noticed discrepancies in the RT-PCR test certificate which was submitted showing a negative result,

Rajeshri Aher

on due verification and on suspecting foul play, the aforesaid offence came to be registered.

3. On investigation it was found that the Accused No. 3 has used a Sony VAIO laptop and Adobe Illustrator CS3 editing software to digitally fabricate and create the artificial negative RT-PCR test reports issued by Metropolis Laboratory. *Prima facie*, one can understand the exigency due to which the alleged crime had occurred. Today, after much water having flown below the bridge, the Society has passed a Resolution, copy of which is appended at Exhibit A to the affidavit on behalf of the original complainant who is the Chairman of the Respondent No. 2, Co – operative Housing Society. The said affidavit dated 21st July, 2026 is taken on record by this Court along with copy of the Resolution passed by the Society. The Hon'ble Chairman of the Society is present in the Court, and confirms the aforesaid fact. It is resolved by the Managing Committee of the Society that since there was no actual harm or illness constituted to the Society members, and in view of the young age of Accused Nos. 1 and 2 and their future, the Society has approached this Court and filed the necessary no objection affidavit before this Court. I am inclined to accept the affidavit filed by the Society and determine the present petition.

4. Needless to state that the act committed by the Petitioners was at the then time an act leading to many people being on the brink of

loosing their sanity in view of the protocol and lock-down restrictions, which were introduced during the Covid 19 Pandemic lock down period.

5. However, still an act of crime will remain as an act of crime, and therefore, though I am inclined to allow the present Writ Petition, subject to the three Petitioners before Court paying costs of Rs.10,000/- each, to the,

“A.K. Munshi Yojana’s J.T. Sheth Mandbuddhi Vikas Kendra,

a Special School imparting education and training to the needs of 150 special children in the field of Education (Classes for 6 to 18 years), early intervention (upto 6 years) and vocational training (18 years above) having its school address and building at A.K. Munshi Yojana Chowk, 3rd Panjarapole Lane, C.P Tank, Mumbai – 400 004 [Contact Nos. 22425513 / 22423654] registered under the Society Registration Act, XXI of 1980 under No. : 387/81 GBBSD and the Public Trust Act, XXIX of 1950 under No. F-6809. RCI Reg. No. 0163.”

The aforesaid costs be paid within one week of the uploading of this order and payment receipt be placed on record.

6. The Petitioners get the benefit of doubt in view of the exigency that was involved and therefore the Petition stands allowed in terms of the prayer clause (a), which reads thus:

“a) That this Hon'ble Court may be pleased to quash and set-aside F.I.R No. 134 of 2021 registered with Gamdevi Police Station, Mumbai, for offences u/s 188, 269, 420, 465, 468

and 471 of the Indian Penal Code alongwith Chargesheet dated 28.08.2021 and all consequential proceedings in CC No. 449/PW/2021 pending before the Ld. Addl. Chief Metropolitan Magistrate, 40th Court, Girgaon, Mumbai;”

7. In view of this order, the Petitioners are at liberty to make an appropriate application before the learned Magistrate where the case is registered and on such application is being made the goods, namely, laptop or any other goods of the Petitioners be returned back to them within a period of one week from the date of making such application.
8. List the Petition for compliance on 18th August, 2026. To be listed High on Board.
9. Writ Petition stands disposed of.

[MILIND N. JADHAV, J.]