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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4120 OF 2025
IN
WRIT PETITION NO.3841 OF 2025

Lawyers Collective

Applicant

.. (Org. Petitioner)

Versus

Union of India

.. Respondent

IN THE MATTER BETWEEN:

Lawyers Collective & Ors.

.. Petitioners

Versus

Central Bureau of Investigation and Anr.

.. Respondents

WITH
INTERIM APPLICATION NO. 4119 OF 2025
WITH
WRIT PETITION NO. 3481 OF 2025

WITH
(93)WRIT PETITION NO.3841 OF 2025
WITH
INTERIM APPLICATION NO.2808 OF 2021
WITH
WRIT PETITION NO.154 OF 2021

Lawyers Collective

.. Petitioner

Versus

Central Bureau of Investigation and Anr.

.. Respondents

WITH
WRIT PETITION NO.155 OF 2021

.....

- Mr. Amit Desai, Senior Advocate appearing through video conferencing a/w. Mr. Sudeep Pasbola, Senior Advocate Mr. Rahul Karmarkar, Mr. Gopalkrishna Shenoy and Aparjita R. Jha, Advocates for Petitioners / Applicants.
- Mr. Anil Singh, ASG a/w. Mr. Shahajirao Shinde, Mr. Kuldip T. Pawar, Mr. Amit Munde, SPP a/w. Mr. Aditya Thakkar, Mr. Karthik Garg, Mr. Adarsha Vyas and Mr. Krishnakant Deshmukh and Mr. Jai Vohra, Advocates for Respondent No.1 – C.B.I.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 24, 2026

P.C.:

1. Heard Mr. Desai, learned Advocate for Petitioners / Applicants and Mr. Singh, learned ASG for Respondent No.1 – C.B.I.

2. There is an Interim Application No. 4120/2025 which is pending in the present case seeking the email ID in compliance with the statutory provisions so that the Petitioners can avail the remedy of filing the compounding Application.

3. Since Affidavit has been filed on behalf of the Respondents opposing the said Application and the relief prayed in the Interim Application and considering the principal Petition pending before this Court for quashing, after hearing the submissions made by learned Senior Advocates on both the sides, I am of the clear opinion that the Interim Application needs to be allowed so that an opportunity is given to the Petitioners as available to them in law for filing of the compounding Application.

4. In so far as the present proceedings are concerned namely quashing of the entire gamut of proceedings, that can always be kept pending, if so desired and required to be gone into later.

5. The second submission made by Mr. Singh is with regard to annexing the entire copy of charge-sheet to the quashing proceedings.

That undoubtedly, the Petitioners can be asked to do so which can be done in due course of time.

6. Mr. Desai would submit that leave be granted to the Petitioners to append the entire charge-sheet to the present proceedings. The said liberty is granted. Necessary amendment is permitted to be carried out within a period of one week from today. Re-verification stands dispensed with. Copy of amended Petitions be served afresh on the Respondents.

7. It is seen that present Writ Petition, seeks quashing of FIR registered by the Economic Offences Wing (EOW), Mumbai against the Applicants for offenses under the Indian Penal Code, 1860 (IPC), Foreign Contribution Regulation Act, 2010 (FCRA) and Prevention of Corruption Act, 1988 (PC Act). It is seen that subsequent to the filing of the Writ Petition and conclusion of investigation, allegations against the Applicants for offenses under the PC Act and the IPC have been dropped and the charge sheet has been filed by Respondent No. 1 - CBI before the trial Court in Case No. 740/PW/2025 for alleged offenses punishable under Section 120-B of IPC read with Sections 33, 35, 37 of FCRA read with Rule 9(1)(e) and Rule 17 of FCRA 2011.

8. It is argued by Mr. Desai that the allegations in the chargesheet are restricted only to offenses under the FCRA which are compoundable and therefore Applicants - Petitioners have approached

this Court by the present Interim Application seeking the desired relief. Accordingly, Mr. Desai would submit that Interim Application 4120 of 2025 is filed. He would submit that to enable the Applicants to file the Application for compounding as provided under Rule 21 of the FCRA Rules 2011, an Application for compounding has to be made electronically and fees of the same have to be paid online. He would submit that in that view of the matter, the email ID of the Secretary of the Ministry of Home Affairs be given to the Applicants to enable the Applicants to file the Application for compounding as well as to provide the Applicants with a portal to make online payment of fees for compounding. He would submit that such stand of the Respondents is also contained in the Respondent's letter dated 17.09.2025 which states that as provided under Rule 21 of the FCRA Rules 2011, an Application for compounding of the offense may be made to the Secretary, Ministry of Home Affairs, New Delhi in electronic form and it shall be accompanied by a fee of Rs. 3,000/- only. It is Applicants' case that despite multiple Applications and correspondence with the office of the Respondents seeking to compound the offenses, there is no guidance or assistance received by the Applicants. The stand of the Respondents' is *prima facie* seen from the reply which has been given by the Deputy Secretary to the Government of India stating that since the matter is prejudiced (to be read as subjudiced), the request of the Applicants for compounding is

not accepted by the Ministry. Such communication is appended at Exh. "H", page No. 49 of the Application.

9. I have considered the submissions made by both the learned Senior Advocates at the Bar. Pendency of the matter or the matter being subjudiced cannot preclude the Applicants from filing the said Application or for that matter they be denied permission for compounding.

10. The principal Writ Petition before me seeks quashing of the criminal proceedings. However, considering the provisions of Rule 21 of the FCRA Rules 2011, I am of the opinion that once the said Rule has been complied with and most importantly in view of the only charge against the Applicants being that under Section 41 of the FCRA, then a valuable right accrues to the Applicants for seeking compounding of the said offence, which cannot be denied.

11. In the present case, it is seen that Applicants have paid / or are ready to pay the compounding Application fee of Rs. 3,000/- online. However, they require the FCRA portal under the FCRA Act so that after creating the user ID and password on the said portal, it may facilitate the Applicants to make the online submission of the Application for compounding of offences and for payment of the desired fees. The Applicants have also expressed that if it is not possible to pay the same online, then the Applicants are willing to file

the Application and pay the fees offline also.

12. In view of my aforesaid observations and findings, I am inclined to consider the request made by Mr. Desai on behalf of the Applicants in the present Application and allow the said Application. Interim Application No. 4120 of 2025 is therefore allowed in terms of prayer clause (a) and (b) which reads thus:-

- “a. This Hon'ble Court may be pleased to direct the Office of the Respondent, Secretary, Ministry of Home Affairs Foreigners II Division (FCRA Wing) Monitoring Unit, to provide for the email id/website where the Applicant can make an application for compounding of offences as alleged in C.C. no. 740/PW/2025 pending before the Ld. A.C.M.M. 3rd Court, Esplanade Court, Mumbai.*
- b. This Hon'ble Court may further be pleased to direct the Office of the Respondent, Secretary, Ministry of Home Affairs Foreigners II Division (FCRA Wing) Monitoring Unit, to provide for the details of the portal where the Applicant can make the payment of compounding fees of Rs. 3000/-.*

13. In so far as prayer clause (c) is concerned, Mr. Desai would submit that if a time bound schedule is granted by the Court, immediate compliance will be done by the Applicants. In that view of the matter, I direct that prayer clauses (a) and (b) be complied with within a period of one week from today.

14. Insofar far as prayer clause (c) is concerned, if the Applicants file the compounding Application, then I direct the concerned Trial Court seized of C.C. No. 740/PW/2025 to hear the compounding Application as expeditiously as possible and in any event preferably within a period of four weeks from the date of filing of the said

Application.

15. It is clarified that all contentions of the Applicants as well as the Respondents are expressly kept open without this Court expressing any opinion on the merits of matter which shall be looked into by the Trial Court. Any comment or direction contained herein shall not be construed to be on merits of the matter as this Court has not considered the same.

16. In view of the above, Interim Application No. 4120 of 2025 stands allowed and disposed.

17. In so far as the Writ Petition for quashing is concerned, the same is directed to be listed on **29th October, 2026.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

RAVINDRA
MOHAN
AMBERKAR

Digitally signed
by RAVINDRA
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