



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 6462 OF 2025

Mehul Jain

... Petitioner

V/s.

The State of Maharashtra & Ors

... Respondents

Mr. Rajiv Chavan a/w Mr. Prashant Trivedi, Mr. Aditya Sharma, Ms. Khushboo Jain, Ms. Priya Maurya, Ms. Asmi Desai, Ms. Sonam Pandey i/b Sudha Dwivedi & Associates for the Petitioner.

Ms. Mankuwar M. Deshmukh, Acting P.P. a/w Mr. Amit A. Palkar, A.P.P. for Respondent No.1-State.

Mr. Vikas Raut, A.P.I. attached to V.P. Road Police Station, Mumbai.

CORAM : A. S. GADKARI AND

RANJITSINHA RAJA BHONSALE, JJ.

DATE : 8th DECEMBER, 2025

P.C. :

1) This is yet another case wherein the Assistant Police Inspector attached to V.P. Road Police Station, Mumbai, has issued a communication dated 18th November 2025, with reference :-

“संदर्भ :- मार्गस्थ नोंद वही क्रमांक १७७ बी/२५ दिनांक १३/११/२०२५”

2) Upon a query by the Court, it is informed that, मार्गस्थ नोंद वही is mentioned in Chapter 8 of Maharashtra Police Manual, 1999, on internal page No.156 thereon, at serial No.42. It is stated therein that,

“(४२) प्रकरण-कागदपत्रांची ये-जा (Movement) नोंद वही.”

3) In the case in hand the alleged Notice dated 18th November 2025, is issued by the concern Police Officer directing the Petitioner to attend the Police Station for the purpose of inquiry of his complaint dated 21st November, 2025.

4) Learned Acting PP fairly conceded to the fact that, there is no definition given in the Maharashtra Police Manual of मार्गस्थ नोंद वही (i.e. Movement Register). Section 175(3)(i) of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS'), provides for conducting preliminary inquiry. Though the BNSS came into effect on 1st July, 2024, the concern Officer attached to V.P. Road Police Station, Mumbai has issued the said summons as per his own procedure by relying on the said 'मार्गस्थ नोंद वही' as noted above. The law relating of preliminary inquiries by now is well settled by the various decisions of the Hon'ble Supreme Court and the Division Benches of this Court.

5) It be noted here that, the Complaint dated 21st November 2025, is lodged by the Petitioner himself for adopting necessary action in that behalf against the prospective accused/delinquent in which the Officer attached to V.P. Road Police Station, Mumbai has issued the said Summons to the Petitioner himself.

6) In view of the above, we deem it appropriate to direct the Joint Commissioner of Police (Law & Order), Mumbai to file his detail reply to the Petition. The Joint Commissioner of Police in his Affidavit shall explain

whether the BNSS is applicable to Mumbai Police. If the answer is yes, then why the police personnel from Mumbai are not following the said provisions and issuing summonses to the citizens under some unknown procedure and even though not prescribed in police manual.

7) The Joint Commissioner of Police, shall explain as to whether such a communication can be termed as a Summons, if the answer is yes, then whether such a summon can be issued to the complainant himself.

The said Reply be file on or before 16th December, 2025.

8) The above directions are issued, as we are regularly coming across with such sort of instances where the citizens of India are being summoned at Police Station by giving reference of 'मार्गस्थ नोंद वही' (i.e. (४२) प्रकरण-कागदपत्रांची ये-जा (Movement) नोंद वही), which according to us prima facie is not proper.

9) Stand over to 17th December, 2025.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)