

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9261 OF 2026

Motilal Oswal Home Finance Ltd. .. Petitioner
(FORMERLY Known As Aspire
Home Finance Corp. Ltd).

V/S.

The State of Maharashtra Thr .. Respondents
Chief Judicial Magistrate Andors

Mr. Chaitanya Deshpande (VC) i.by Navin Arora, for petitioner.
Ms. Tanu Bhatia, AGP, for the Respondent/State.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**
DATE : 21ST AUGUST 2026.

PC:

1. Learned counsel for the petitioner informs this Court that the directions contained in the order dated 07/08/2026 have been complied with and the possession of the secured asset has been made over to the petitioner (secured creditor).
2. In the context of directions contained in the said order to the concerned police officer of the local police station to inform as to what steps have been taken in pursuance of the complaints lodged by the petitioner secured creditor on the aspect of trespass into the secured assets, the learned APP has tendered a response and certain documents annexed thereto. These include a communication addressed to the

learned APP. In the documents annexed to the said communication, we find a strange procedure adopted by the concerned police officer, wherein communications have been addressed on a few dates to the authorized officer of the petitioner secured creditor from November 2025 to April 2026, all titled as "Samaj Patra", repeatedly calling upon the authorized officer of the petitioner secured creditor to come forward for recording of his statement, in the light of the fact that the specifically named persons are found to have encroached upon the secured assets. Documents submitted by the learned AGP are taken on record.

3. We fail to understand this strange procedure adopted by the police machinery. In terms of the law laid down by the Supreme Court in various judgments, including Constitution Bench judgment in the case of *"Lalita Kumari Vs. Government of Uttar Pradesh and Ors"*¹ when a cognizable offense is made out on the basis of the grievance/written complaint presented to the police, an FIR has to be registered.

4. In the present case, written complaints were submitted by the petitioner secured creditor, specifically bringing it to the notice of the police machinery that the secured assets had been trespassed, which did indicate sufficient material for registration of offences, yet all that the police machinery has done from November 2025 to April 2026 is to send repeated communications to the authorized officer of the petitioner secured creditor. Such conduct is in the teeth of the settled position of law.

5. In view of the above, we direct that the respondent police

1 (2024) 2 SCC 1

machinery shall take necessary steps for registration of FIR in the light of the written complaints submitted by the petitioner secured creditor with regard to the question of trespass and encroachment into the secured assets.

6. With these directions, the Writ Petition is disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)