

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

**CRIMINAL WRIT PETITION NO. 23 OF 2014
WITH
CRIMINAL APPLICATION NO.194 OF 2014**

Mr. Mevalal S/o. Amarnath Yadav
& Anr.

..Petitioners

v/s.

The State of Maharashtra .

..Respondents

Petitioner present in person.

Mr.S.A.Sawant alw. Samir Suryawanshi, Sachin Kadam for the
intervenor.

Mrs. M.M.Deshmukh, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : FEBRUARY 26, 2015.**

P.C.

1. Heard the petitioner in person and learned Advocate Mr.
Sawant for the intervenor. The petition is filed for following reliefs:

“a) That the Hon'ble Court be pleased to pass
appropriate writ order and direction directing the quashing
of the order passed by the learned Metropolitan
Magistrate, 27th Court at Mulund being order dated 12th

June, 2013, whereby accepted “C” Summary report filed by the respondent no.1(b) in FIR No.7/2010 came to be accepted and be pleased to direct the Ld. Magistrate to hear the petitioners along with the other complaints on the point of “C” Summary report filed by the Respondent No.1(b) and passed fresh orders.

b) That this Hon'ble Court be pleased to issue appropriate writ, order and direction directing the transfer of FIR No.7/2010 registered under the provisions of Section 405, 415, 418, 420, 464, 481, 323, 506II r/w. 34 of the IPC to Central Bureau of Investigation Agency on such terms as this Hon'ble Court may deem fit and proper.”

2. FIR No.7 of 2010 was registered at the instance of one Shri Mohansingh Chitodia against the society and the developer M/s. Samarth Park Developers and Ors. for the offence punishable under Section 405, 415, 418, 420, 464, 481, 323, 506II r/w. 34 IPC.

3. The police investigated the CR and after completion of the same filed “C” Summary report. The “C” Summary report is accepted by the learned Metropolitan Magistrate, 27th Court, Mulund, Mumbai by his order dated 12.6.2013. The petitioner by this petition wants to reopen the investigation. The investigation cannot be re-opened at

the instance of the petitioners who are not the complainants. We do not find any substance in the petition. In view of the same petition is dismissed.

4. In view of dismissal of the petition, Cri. Application No. 194 of 2014 does not survive and the same is also dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)