

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

CRIMINAL WRIT PETITION NO. 1615 OF 2015

Surinderpal Singh Gandhi & Ors. .. Petitioners

v/s.

Ravindranath Pawar & Ors. ..Respondents

Mr. Amin Solkar for the petitioners
Mrs. U.V. Kejriwal, APP for respondent State

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED: 30th JUNE, 2015.**

P.C.

1. Heard Mr. Solkar, learned Counsel for the petitioners and
Mrs. Kejriwal, learned APP for the State.

2. By this petition, the petitioners are seeking following reliefs
which read as under :-

(a) To issue a writ of mandamus, or any other appropriate writ, order or direction, directing respondent no.4 to hold an inquiry into the role played by respondent nos.1,2 and 3 in

extorting money and thereafter registering a false FIR against the petitioners and for not following the process of law as per the guidelines issued from time to time by the Hon'ble Apex Court in respect of such illegal arrest and to take action against the respondents 1, 2 and 3 as per law.

(b) To issue a writ of mandamus, or any other appropriate writ, order or direction, further directing the police to register a case of criminal trespass and house breaking against the persons who have been captured in the video clips and photographs while committing the aforesaid offence by arresting them and taking action as per law against them more particularly respondent no.6.

(c) To issue a writ of mandamus, or any other appropriate writ, order or direction, directing respondent no.6 to initiate departmental proceeding immediately by suspending respondent nos. 1, 2 and 3 for illegally extorting an amount of Rs.1,50,000/- (Rupees One lakh fifty thousand) from petitioner no.1 and on recovering the said amount, it be handed over back to the petitioner no.1.

(d) To quash the First Information Report, dated 17.03.2015, registered on the complaint of respondent no.6 with Versova Police Station at C.R. No.89 of 2015 for offences under sections 448, 427, 504 and 34 of the IPC, against the petitioners”.

3. By relief claimed in prayer clause (d), the petitioner has sought quashing of the C.R. No.89 of 2015. We have perused the First Information Report filed by the respondent no.2 on 17.03.2015. The report *prima-facie* disclose commission of cognizable offence. We are not, therefore, inclined to grant prayer clause (d).

4. So far as relief claimed in prayer clause (b) is concerned, the petitioners are seeking direction to the police to register the case of criminal trespass and house breaking against the persons who have been captured in the video-clips and photographs. In this regard, the petitioners have not lodged any report with the concerned Police Station. Hence, no direction can be given. Suffice it to say that the petitioners are at liberty to make grievance under Section 154 of the Cr.P.C. before the concerned police station.

5. So far as relief claimed in prayer clauses (a) and (c) are concerned, the petitioners claim that respondent nos. 1, 2 and 3 have extorted money from him. In exercise of the writ jurisdiction under Article 226 of the Constitution of India, we cannot grant these reliefs. However, the petitioners are at liberty to make a complaint in this regard before the Commissioner of Police. In the event, such complaint is filed, the Commissioner of Police shall look into the grievance of the petitioners and shall take appropriate decision.

6. Subject to above, the Writ Petition is disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)