

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2353 OF 2015

Mr. Anna Durai Raman & Ors. ..Petitioners.

Versus

Mr. Mohan Marutirao Deshmukh
& Ors. ..Respondents.

Ms. Jyoti L. Jethwani, advocate for petitioners.

Mrs. S.V.Sonawane, APP for the State.

Mr. Parvez Menon i/by MGM Legal, advocate for respondent no.2.

Mr. H.C.Pimple, advocate for respondent no.6-BMC.

Mr. J.G.Reddy, advocate for respondent no.10.

Coram : RANJIT MORE &
R.G.KETKAR, JJ.

Date : 23rd September, 2015.

P. C. :

The learned counsel for the petitioners having taken instructions from her clients who are present in the Court makes a statement that petitioners are restricting this petition to the reliefs claimed in prayer clause (c) only and she is not pressing the relief claimed in prayer clause (b) at this stage and in respect of that prayer, she seeks liberty to file separate petition. Leave with liberty as prayed for, is granted.

2 Relief claimed in prayer clause (c) reads as follows:

"c. This Hon'ble Court be pleased to issue Writ of Mandamus or a Writ in the nature of Mandamus, or any other appropriate Writ or order or direction

to the respondent no.5 ordering and directing them, to file an 'FIR' against the respondent no.1,2,3,4,6,7,8,9,10 and their anti-social elements for committing the aforesaid serious criminal offences by collusion and connivance with each other."

3 The learned APP states that petitioners have not filed any complaint under Section 154 of the Code of Criminal Procedure, 1973. The counsel for petitioners, however, state that petitioners' complaint is not taken on record by the police.

4 In the circumstances, we dispose of this petition by passing the following order:

(I) Petitioners are at liberty to approach Malad Police Station, Malad (West) to give report under Section 154(1) of the Code of Criminal Procedure, 1973. Petitioners, who are present in the Court today state that they will approach said police station on Tuesday i.e. on 29.9.2015. Statement accepted.

(II) In-charge officer of the Malad Police Station shall thereafter record statement of the petitioners and if the same discloses commission of cognizable offence, he shall take appropriate decision.

(III) In-Charge officer of the Malad Police Station shall communicate his decision to the petitioners within a period of 7 days from the date of decision.

[R.G.KETKAR, J.]

[RANJIT MORE, J.]

CERTIFICATE

Certified to be true and correct copy of the original signed judgment/order.