

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

CRIMINAL WRIT PETITION NO. 1315 OF 2010

Yogacharya Shri Anandji ..Petitioner

v/s.

Mr.Ashok Harish Mehra & Ors. ..Respondents

Yogacharya Shri Anandji, petitioner, present in person.
,Mr.Mohan Pillai for the respondent nos.1 to 3
Mrs. M.M.Deshmukh, APP for the Respondent-State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
RESERVED ON : FEBRUARY 02, 2016.
DATED : MARCH 31, 2016.**

JUDGMENT (PER ANUJA PRABHUDESSAI, J.)

1. The petitioner herein has sought the following reliefs:

“a) This Honourable Court be pleased to issue writ of mandamus or any other writ, order or directions in the nature of mandamus to the State for CID inquiry into this matter for mis-conduct and manipulation and dereliction of their duty by the various police officials.

b) To set aside and quash the orders passed by 22nd

Metropolitan Magistrate Court dt. 21st April, 2009 in C.C.No.14 (I&R) 2008, and the Sessions Court on 8th February, 2010 in Cri. Rev. Appln. 811 of 2009, and a process may be issued to register a case on any terms and conditions as the Hon'ble Court may deem just, legal and proper.”

2. Heard the petitioner who is present in person, Mr. Pillai, the learned Counsel for the respondent nos.1 to 3 and the learned APP for the State.

3. We have perused the records and considered the submissions advanced by the petitioner as well as by the learned counsel for the respondents. The petitioner claims that he is running a Yoga training centre in a rented premises situated on the ground floor of Plot No.51, Jaihind CHS Ltd., 11th N.S.Road, JVPD Scheme, Mumbai 400 059. The petitioner has alleged that in an attempt to grab his establishment/organization, the society removed the sign boards from the building walls and tried to take control of his training centre by falsely claiming that the petitioner was an employed tutor in the

said yoga training centre started by Jaihind Co-operative Housing Society. The dispute between the petitioner and the society led to filing of Civil Suit No.2559 of 1990.

4. The petitioner claims that the Manager and the agents of the society broke open the premises and took away the rent receipts. This led to filing of the complaint dated 4.8.1990. The society had also filed complaint against the petitioner for trespassing into the property. The learned Metropolitan Magistrate, 44th Court, Andheri, convicted the petitioner. The said order was set aside by judgment dated 26.6.2000 passed in Criminal Revision Appln. No.42 of 1999.

5. The petitioner has stated that during the pendency of the Civil and Criminal Litigation, the society fabricated several documents which have been produced before the Court during the course of evidence and despite bringing this fact to the notice of the Court, the learned trial Judge dismissed the suit filed by the petitioner. The petitioner has stated that the Appeal No.87 of 2004 filed by him is pending before the Small Causes Court.

6. The petitioner has stated that the society through its agents and servants under the guise of renovation removed the belongings of the petitioner from the premises. The petitioner lodged a complaint which was registered as N.C. No.1263 of 2004. The petitioner has further stated that on 8.4.2006 he realized that all his belongings worth Rs.10 lakhs including wall pasted poster were removed from the tenanted premises. He had lodged a written complaint to Juhu Police Station. However, the police did not take any action and pursuant to several representations made by the petitioner, the Commissioner of Police transferred the matter to Crime branch.

7. The petitioner has stated that in July 2006 he had filed an application before the 22nd Metropolitan Magistrate Court under Section 156(3) of Cr.PC. In the meantime, the petitioner also filed a Public Interest Litigation alleging that there was a nexus between Jaihind Society and the police officials and that the land which was reserved for police quarters was made available to Vasundhara CHS Ltd, a private society of IPS Officers.

8. The petitioner has alleged that oOn 5.11.2007 while copy of the PIL was being served on the respondent, he found that some of his belongings such as wooden furniture were placed back in the premises. The petitioner once again lodged a complaint before Juhu Police Station. The petitioner has stated that the police refused to take the said complaint stating that the matter was transferred to crime branch. The petitioner has stated that 3-4 days later he once again found that the furniture was removed from the premises. The petitioner claims that he had informed this fact to the Metropolitan Magistrate, but instead of issuing process, the Metropolitan Magistrate ordered enquiry under Section 202 of Cr.P.C. and subsequently, by order dated 21.4.2009 the learned Magistrate dismissed the complaint under Section 203 Cr.P.C. The revision filed against the said order has also been dismissed by the Sessions Court by order dated 8.2.2010.

9. The petitioner claims that the police officers are trying to shield the rich and mighty for fulfilling their personal objectives. He has further stated that an attempt is made by the society in connivance

with the Mumbai police, to forcibly dispossess him from the tenanted premises, without due process of law. The petitioner has therefore filed this petition alleging that there is no equally efficacious remedy, except to approach this Court under Article 226 of the Constitution of India.

10. A perusal of the averments made in the petition reveals that there is a civil dispute between the petitioner and the society in respect of the premises. The civil suit filed by the petitioner has been dismissed and the appeal is pending adjudication. Hence the question whether the petitioner is a tenant of the premises or not will have to be adjudicated in the said civil dispute.

11. The averments made in the petition reveals that the petitioner has made several unwarranted allegations against the Judicial Officers, the then Advocate General and the Police Officers. Suffice it to say that no enquiry can be initiated against the police officers or any other authority on the basis of such spacious allegations.

12. As regards the removal of the movable goods from the alleged tenanted premises, the learned Sessions Judge, after having perused the averments made in the complaint, the verification statement, as well as the police report has arrived at a finding that the applicant had not given the details of the properties which were allegedly stolen in the year 2006. Having gone through the said order, we are not inclined to interfere with the same in the writ jurisdiction.

13. Considering the above facts and circumstances, we are of the opinion that the petition is without merits and is hereby dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)