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

CRIMINAL PUBLIC INTEREST LITIGATION (ST) No. 35 OF 2015

Falguni Brahmabhatt	Petitioner
Vs.	
The State of Maharashtra and Anr.	Respondents

**WITH
CRIMINAL APPLICATION No.18 OF 2015
IN
CRIMINAL PUBLIC INTEREST LITIGATION (ST) No. 35 OF 2015**

Falguni Brahmabhatt	Petitioner
Vs.	
The State of Maharashtra and Anr.	Respondents
And	
Ramesh Ranchhoddas Joshi	Applicant

Ms. Falguni Brahmabhatt -Petitioner present in person
 Ms. S.V. Sonawane -APP for the Respondent -State
 Mr. P.K. Dhakephalkar, Senior Counsel a/w. Abad H. Ponda a/w. Mr.
 M.G. Agre a/w. Urvashi Nayak i/b. G.B. Kedia for Respondent No.2
 Mr. Yogesh Joshi i/b. Ramesh Joshi for Applicatn in APPI No. 18 of
 2015

**CORAM : V. M. KANADE &
Mrs. SWAPNA S. JOSHI, JJ**

DATE : SEPTEMBER 28, 2016

P.C. :

1. Heard the Petitioner, who is appearing in person. This Criminal
 PIL is filed by the Petitioner, who is an advocate by profession. She is

seeking the following reliefs:

“(a) issue appropriate writ, order and direction directing the Respondent No.1 to appoint some Sr. Police Officers to conduct an enquiry and investigation after registering an FIR in respect of the misdeeds and the crimes committed by the said '*Radhe Maa*' including her associates detailed in the complaint made by the Petitioner vide letter dated 5th August, 2015 and the statement dated 7th August, 2015.

(b) Issue appropriate writ, order and direction directing the Respondent No.1 to take immediate steps restrain the illegal and antisocial activities of the '*RadheMaa*' and her associates in the name of the Religion.

(c) Issue appropriate writ directing agencies like Enforcement Directorate and Income Tax Department regarding the financial frauds committed by *RadheMaa* and her associates”.

2. It is her case that Respondent No.2, who is posing herself as '*Devi*' (*Goddess*) and calling herself '*RadheMaa*' is cheating people by posing herself as Goddess. Secondly, it is submitted that she portrays herself as Goddess on the advertisements and hoardings all over the

city. It is her case that this is done to cheat the people so that they can donate money to her trust which is not even registered. In the petition, she has alleged that she saw the hoardings on the roads which show that Respondent No.2 was posing as a Goddess and, therefore, she decided to investigate the truth and went to her home. She saw that Respondent No.2 was holding a 'Trident' and was giving blessings to everybody, who were present there in the premises. It is further alleged that posing herself as Goddess, she was insisting the people to shower lakhs of rupees and ornaments on her as offering and the people believed that she was a 'Living Deity'. It is alleged that by impersonating herself as Goddess, she is cheating people by holding 'Mata Ki Chowki' periodically and under the garb of the same collecting crores of rupees. Reliance is placed on the compact disc, which was recorded and also clips from some of the TV News Channels. It is further alleged that acts of Respondent No.2 are extremely indecent in nature in the guise of holding this 'Mata Ki Chowki'. In fact, under the garb of being a Goddess, the said 'RadheMaa' is actually carrying a sexual racket.

3. The Petitioner further submits that she filed a complaint with the police, in which she alleged that Respondent No.2 is cheating the people at large by impersonating herself as Goddess. It is further

submitted that her complaint has not been registered. It is submitted that the Apex Court in the case of **Lalita Kumari Vs. Government of U.P. & Ors. [(2014) 2 SCC 1]** has held that if a complainant discloses cognizable offence, there is no other option but to register FIR. She has further submitted that thousands of people have been cheated by this so called “RadheMaa” and some of them have filed complaints with the police.

4. In the affidavit in reply filed by the State, it has been stated that the complaint filed by the Petitioner did not disclose any cognizable offence and, therefore, no FIR was lodged against Respondent No.2. It is further stated that, thorough investigation was conducted and it was found that there was no substance in the allegations which were made by the other Complainants in their respective complaints. An additional affidavit in rejoinder has been filed by the Petitioner herein and it is stated that Borivali Police are hand-in-gloves with Respondent No.2 and, therefore, investigation should be transferred to CBI or any other police station.

5. On the other hand, Shri Dhakephalkar, learned Senior Counsel appearing on behalf of Respondent No.2 submitted that any person aggrieved by acts of the 'RadheMaa' and associates, which constitute a

criminal cognizable case, can independently file a complaint either before the police or by filing a private complaint before the Magistrate Court. He submitted that the averments made in the PIL does not disclose any offence of cheating against Respondent No.2. It is submitted that there are no ingredients of cheating and/or impersonation made out from the complaint filed by the Petitioner.

6. The learned AGP for the State submits that already one FIR was registered on the complaint filed by one Dolly Bindra and the very same allegations were made in the said complaint, which were made by the Petitioner in her complaint and, therefore, two FIR cannot be filed on the basis of the two complaints for similar offence. At the most, the statements of the other persons can be recorded as witness and all these cases can be clubbed together. Secondly, it is submitted that several other private complaints were filed by other individuals before the Metropolitan Magistrate. However, process under section 156 (3) was not issued and they were asked to proceed under section 2 (d) r/w. Section 200 of Cr.P.C.

7. We are of the view that, firstly, considering the allegations and averments which are made in the petition it cannot be said that there is any public interest involved. Secondly, the petition which is filed by

the Petitioner is an independent centric petition and in such a petition, it cannot be said that there is any interest of public at large. Thirdly, this Court cannot entertain any individual centric petitions as per the law laid down by the Supreme Court in catena of cases. The principle behind filing of public interest litigation is that whenever a class of people or individuals are unable to approach this Court on account of economic, social or other disabilities, then in such cases, on their behalf, their representative can come before this Court or before the Apex Court and then the Apex Court or this Court can entertain such petition filed on behalf of such persons as public interest litigation. In a PIL, therefore, under certain circumstances, the principle of locus standi is given a go by and it is made an exception to the general rule. Ordinarily, in every litigation, a litigant can approach the Court and seek a legal remedy. While doing so, however, such an aggrieved person is bound by the statements which he makes in his petition. If he obtains any interim orders, he has to give an undertaking to the Court that in the event, the interim order is vacated and loss is caused to the Respondent on account of the interim order, then he will face the costs and consequences for having obtained the interim orders. We find that number of cases are being filed for various reasons, in which public interest is not involved and these matters take valuable time of the

Court and as a result, the time which has to be given by the Court to private litigation between the parties is curtailed, resulting in huge pendency of the cases in the Court. It is a common knowledge that as of today more than three crores of cases are pending in India and it takes at least five to ten years for disposal. We find that the present PIL is also of a similar type. It is always open for the aggrieved person to approach the competent Forum and they have every right to make a complaint before the appropriate Forum. Fears and apprehensions expressed by the Petitioner, though she may be concerned about it, are misconceived.

8. So far as the reliance placed on the judgment of the Apex Court in the case of **LalitaKumari (supra)** is concerned, it has to be read in proper context and the judgment of the Supreme Court or this Court cannot be treated as precedent unless it is applicable to the facts of the case in hand. The Petitioner has a right to ask the police to make preliminary investigation and on making such investigation, if the police have found that there is no truth in the allegations which have been made, they can refuse to register the FIR.

9. In our view, therefore, the judgment of the Apex Court in the case of **LalitaKumari (supra)** will not apply to the fact of the present

case.

10. Shri Dhakephalkar, learned Senior Counsel appearing on behalf of Respondent No.2 submits that so far as other complaints are concerned, they were also investigated by the police and no substance was found in the said complaints and therefore, the police have not taken any cognizance.

11. We are, therefore, not inclined to entertain this PIL. Reserving the right of the Petitioner and other aggrieved persons to take recourse under the provisions of the law which may be available to them, the PIL is dismissed.

12. At this stage, the Petitioner, who is an advocate, appearing in person is requesting this Court to convert the present PIL into the criminal writ petition. This request is declined for the reasons mentioned in the aforesaid order.

Mrs. SWAPNA S. JOSHI, J.

V.M. KANADE, J.