

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

**WRIT PETITION NO. 3450 OF 2015
WITH
CRIMINAL APPLICATION NO. 386 OF 2015**

Mahesh Kumar Surajmal Sharma & Ors. .. Petitioners
Vs.
The State of Maharashtra & Anr. .. Respondents

**WITH
WRIT PETITION NO.3572 OF 2015**

Dinesh Jagdishnarayan Sharma .. Petitioner
Vs.
The State of Maharashtra & Ors. .. Respondents

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Mr. A M. Saraogi, Advocate for the Petitioner in WP 3450 of 2015.
Mr. A.D. Wagh i/b. Mr. K.H. Giri, Advocate for the Petitioner in
WP 3572 of 2015.
Mr. A. V. Nikam, Advocate for Respondent No.4 in WP 3572 of
2015 & in APPW 386 of 2015.
Mr. K.V. Saste, APP for the Respondent – State.

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**CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.**

DATED : JUNE 20, 2016.

P.C. :

Learned APP submits on instructions of the officers
present that the First Information Report No.333 of 2016 has
been registered on a complaint filed by Bajranglal Sharma.

The grievance of the learned counsel appearing for both the petitioners is that allegations are made against the concerned police officers who allegedly forcefully dispossessed them from the subject suit premises/stall so as to facilitate the other side to be in the possession of the shop.

2 Mr. Nikam, learned counsel appearing for respondent no.4 has drawn our attention to two orders passed by the Court i.e. (1) Notice of Motion No.2500 of 2015 in Suit No.2484 of 2015 dated 24th April, 2014, passed by the City Civil Court at Dindosh (Borivali Division) Goregaon, Mumbai and (2) order passed by Civil Court in Civil Suit No.2326 of 2015, order dated 3rd September, 2015. It is clear that civil suit in respect of the subject matter is still pending. Therefore, we need not make any observations in respect of the issue concerning possession of the suit premises.

3 However, the senior police officer may look into the grievance made by the petitioner against the concerned police officer. Keeping all issues open, Writ Petition is disposed of.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)