

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

CRIMINAL WRIT PETITION NO.621 OF 2016

Indur Kartar Chhugani	...Petitioner
Versus	
The State of Maharashtra & Ors.	...Respondents

.....

Mr. I.K. Chhugani, the Petitioner in-person present.
Mrs. A.S. Pai, APP for the Respondent No.1-State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 31st MARCH, 2017.

P.C.:-

The Petition is filed for following reliefs:

“A. The Petitioner prays that this Hon'ble Court be graciously pleased to issue a writ in the nature of Mandamus or any other appropriate writ or order directing and commanding the Additional Commissioner of Police, Bandra (W) to complete the inquiry started in March 2013 on absolute merit and with correct, complete and relevant evidence without any averse or contrary actions with regard to the false case of trespassing registered on 24.3.2005, at Khar Police station within 4-6 weeks or any period, as this Hon'ble court deems appropriate and in accordance with the principles of equity, justice and good conscience.

B. Urgent Interim Relief : The Petitioner humbly prays the

Hon'ble court may be graciously pleased to issue a declaration, stay or appropriate writ or order directing the M.P.I.D. Court to refrain from creating any third party rights or interest in Flat Nos. 501, 502, Pinky Panorama, Khar W, in case 12 of 2005, pending the completion of inquiry started in March 2013 by the Additional Commissioner of Police, Bandra (W). Refer para "A" above. [Petitioner was forcibly evicted from this flat on December 6, 2013 and the next hearing at M.P.I.D. Court is on March 15, 2016]

C. The Petitioner further prays the Hon'ble Court be pleased to give appropriate orders, to Respondent No.3, to locate the statements recorded of Petitioner, his wife and the Police Officers consequent to the inquiry ordered in March 2013, which were not forwarded to the Economic Offences Wing (Please refer to the RTI reply dtd 14/3/2015, pgs 156 to 158 in Exhibit S.).

D. The Petitioner humbly prays the Hon'ble Court be pleased to provide interim/ad interim reliefs to the Petitioner herein by way of appropriate writ/order, whereby the competent authority is compelled to perform judiciously and on principles of natural justice and in accordance with the law and the mandatory duty they are bound by."

2. The main grievance of the Petitioner is that the First Information Report No.103 of 2005 registered on 24.3.2005 against him is false and fabricated. On the basis of these allegations the

Petitioner had made complaint against the concerned Police Officers to Additional Commissioner of Police Bandra (W). However, so far no decision is taken.

3. The learned APP makes statement that the said FIR is investigated by Khar Police Station and charge sheet is already filed before the concerned Magistrate. The statement is accepted. The investigating agency has already investigated the crime and filed a charge sheet against the Petitioner. Since the Court before which the charge sheet is filed is already seized of the matter the Additional Commissioner of Police is not competent to decide the veracity or falsity of the allegations levelled against the Petitioner in the said FIR.

4. In above, circumstances, we do not find any merit in the Petition. The same is accordingly dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)