

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

CRIMINAL WRIT PETITION NO.1765 OF 2017

Mubeen Ahmed Fakruddin Kodare	 Petitioner
versus	
State of Maharashtra & Anr.	... Respondents
.....	

- Mr.Pradeep Havnur, Advocate for the Petitioner.
- Ms. S.D. Shinde, APP for the State/Respondent.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**
DATE : 12th JUNE, 2017.

P.C. :

1. The petition is filed for the following reliefs;

(a) That this Hon'ble Court be pleased to direct the Respondent No.2 to add Rakesh Maria, Arvind Shah, Vijayh Kamble [Asst' Municipal Commissioner] & Others as Accused Persons and add Sections 390, 391, 427, 447, 452, 453, 454 amongst other provisions of Penal Code in the FIR No.293 of 2015 dated 30.6.2015 registered with Khar Police Station.

(b) That this Hon'ble Court be pleased to transfer the investigation in FIR No.293 of 2015 dated 30.6.2015 registered with Khar Police Station to the CBI for investigations or any Law Enforcing Agency which does not come under the influence or Rakesh Maria, to bring the perpetrators to Justice to ensure that the Law of the Land ought to be respected even by the Ex-Commissioner of Police, Mumbai City who had sworn to

protect the citizen and not to loot, rob or dispossess innocent people & their families comprising of minor children, from their dwelling to oblige his childhood friend and further direct the CBI or any other independent investigating agency to thoroughly investigate into the offences committed by the perpetrators, under this Hon'ble Court's Supervision.

2. The learned APP placed on record report dated 03/05/2017 of Sr.P.I. Khar Police Station. The report discloses that in pursuance of the petitioner's complaint First Information Report bearing C.R.No.293/15 was registered at Khar Police Station for the offences punishable u/s 379, 354, 341, 448, 427 r/w 34 of the Indian Penal Code. The report further discloses that this complaint is found to be false. Accordingly 'B' summary is filed before the 9th Metropolitan Magistrate Court, Bandra on 18/07/2016.
3. In view of the report, petition will not survive for consideration.
4. The Writ Petition is accordingly dismissed.
5. The learned Magistrate however is directed to dispose off the 'B' summary report only after hearing the petitioner.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)