

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2461 OF 2016

Anil Gulabdas Shah

....Petitioner

V/s.

The Chief Secretary, State
of Maharashtra and Ors.

....Respondents

* * * * *

Mr. Anil G. Shah, in person.

Mrs. S.V. Sonawane, APP for the respondent, State.

CORAM :-

R.M. SAVANT &

SANDEEP K. SHINDE, JJ.

DATE :-

8TH AUGUST, 2017.

P.C. :-

1. By the above petition, the petitioner, inter-alia,
seeks the following reliefs :-

(i) transfer the matter from the jurisdiction of
the Malvani Police Station to the jurisdiction of
the Deputy Commissioner of Police (DC), CID,
Crime Branch. In the alternative, to direct DCP,
CID, Crime Branch to investigate in a time

bound manner.

(ii)to direct the concerned police station to take cognizance of the offences committed by the concerned accused i.e. Aslam Sheikh, Local MLA and his henchmen, Vitreous D'souza, and

(iii)be pleased to direct the respondents to register C.R. as against the persons named in the complaint dated 21st, 23rd, 26th, 27th and 28th February, 2016 and 6th, 12th, 14th and 22nd March, 2016.

It is required to be noted that, the aforesaid complaints have been enquired into and by letter dated 6th June, 2016 a reply has been sent to the petitioner by the Assistant Inspector of Police, Malvani Police Station, Mumbai. In the said reply, the property in question has been referred to in the first para. Thereafter, in para-2 it has been mentioned that the dispute between the parties

appears to be in respect of the ownership rights of the property in question. It is further mentioned that, the petitioner may seek appropriate relief from a Civil Court including an order of eviction against the Miranda Family. It is further mentioned that, if such an order of eviction is obtained then the police may consider giving the petitioner police aid to execute the said order. Hence, the police have found that the complaints of the petitioner are in respect of the property in respect of which there is a dispute between the petitioner and the Miranda Family. In the light of the aforesaid, it is not possible for this Court to grant any of the reliefs which the petitioner has sought and which have been adverted to in the earlier part of this order. The petition is accordingly dismissed. However, it would be open for the petitioner, if he so chooses to adopt appropriate civil proceedings or file a private complaint under Section 156(3) of the Criminal Procedure Code.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)