

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

**CRIMINAL PUBLIC INTEREST LITIGATION (L) NO. 11 OF 2014
WITH
WRIT PETITION NO. 2651 OF 2014**

Sahayak a Socio Legal and Educational Forum	}	Petitioner
versus		
The State of Maharashtra and Ors.	}	Respondents

Mr. Shashwat Rai i/b. Mr. Ashish Mehta
for the petitioner.

Mr. J. P. Yagnik-APP with Ms. P. P.
Shinde-APP for State.

Mr. Jaivardhan Singh i/b. Mr. V. M.
Thorat for respondent nos. 5, 6 and 7 in
WP/2651/2014.

Mr. Farid Karachiwala with Mr. Sneh
Mehta i/b. M/s. Wadia Ghandy and Co. for
respondent nos. 21 and 24.

Mr. Rohan Kadam with Ms. Subhashree
Chatterjee i/b. M/s. Manilal Kher Ambalal
and Co. for respondent no. 11.

Mr. J. G. Reddy (Aradwad) for respondent
no. 13.

Mr. B. B. Sharma for respondent nos. 9
and 10.

Mr. Damle and Mr. Ajay Patil for
respondent no. 34.

**CORAM :- S. C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.
DATE :- JANUARY 16, 2018**

P.C. :-

1. Prayer clause (a) of the public interest litigation reads as under:-

“(a) Upon reliance on the facts which indicate severe violation of law and committing unconstitutional adjustments, this Hon'ble Court be pleased to direct CBI to investigate the matter related to allotment of flats in Navi Mumbai based FAM Society in its observation, as the other law enforcing agencies under the State Govt. of Maharashtra have failed to investigate the same in a fair manner for unexplained reasons.”

2. After a detailed hearing and with regard to all the affidavits placed on record, when the attention of the counsel appearing for the petitioner was invited to the fact that in the event there are large scale frauds resulting in commission of allegedly cognizable and punishable offences, then, none prevents the petitioner from knocking doors of a competent criminal court, the learned counsel appearing for the petitioner says that the petitioner has no objection to adopt such course. The petitioner, despite disposal of this public interest litigation and the writ petition, be allowed to approach a competent criminal court and with a private complaint is the submission.

3. While we note the contentions of the petitioner, we dispose of the public interest litigation and the writ petition with liberty that he reserves, we clarify that we have expressed no opinion on the rival contentions, particularly as far as the merits of the

allegations. All pleas are kept open to be raised by the petitioner in appropriate proceedings before an appropriate forum.

4. With the aforesaid observations, the public interest litigation and the writ petition are disposed of.

(SMT. BHARATI H. DANGRE, J.)

(S.C.DHARMADHIKARI, J.)