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

CRIMINAL WRIT PETITION NO.2407 OF 2018

M/s.R.B.K. Realtors Pvt. Ltd.	...Petitioner
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr.J.B.Mishra, for the Petitioner.

Mr.A.A.Kumbhakoni, Advocate General a/w Mr.Deepak Thakare, P.P. and
Mr.K.V.Saste, A.P.P for the Respondent-State.

***CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.***

DATE : 11th JULY, 2018

P.C. :

1. The Petitioner was before the State Police Complaints Authority, Mumbai, in respect of his grievance against PSI - Amit R. Pawar and Senior Police Inspector, Worli Police Station – S.L.Biranje, alleging harassment by the said Police Officers. The complaint was proceeded before the State Police Complaints Authority. However could not culminate any final order being passed by the State Police Complaints Authority, in view of the legal position that insofar as the officers of the

rank of P.I and below the complaints could only be heard by the Divisional Police Complaints Authority. Hence, the State Police Complaints Authority had stayed the hearing, pending the clarification from the State Government.

2. The Petitioner was therefore constraint to file the above Writ Petition seeking a direction that the State Police Complaints Authority be directed to dispose of his complaint. We had requested the learned Advocate General Mr.Kumbhakoni to assist us in the situation arising out of the impasse which was created on account of the State Police Complaints Authority not proceeding with the hearing though it had done so earlier. The learned Advocate General exposted the legal position as indicated in the Maharashtra Police Act and especially in Sections 22Q and 22S of the said Act under which the State Police Complaints Authority and Divisional Police Complaints Authority, are established. The learned Advocate General would submit that the distribution of work between the two Authorities is by a hierarchical division, the complaints insofar as the officers of the rank of P.I and below are to be heard by the Divisional Police Complaints Authority and the State Police Complaints Authority is

coram non judge insofar as, the said Officers are concerned.

3. The learned Advocate General has thereafter brought to our notice the various steps which are being taken to establish the Divisional Police Complaints Authority at the various districts. He states that insofar as the complaints relating to Mumbai are concerned, the Divisional Police Complaints Authority would be one which is established for the Konkan area which would include Mumbai and Mumbai Suburban District. He states that the place for the same has been identified, however, the final negotiations are in progress and accepts that the place would be finalized in a short time.

4. Be that as it may, having regard to the aforesaid situation, we enquired from the learned counsel for the Petitioner, as to whether the Petitioner is agreeable to wait till such time as the Divisional Police Complaints Authority for the Konkan area becomes functional. Upon this the learned counsel Mr.Mishra, on instructions of the representative of the Petitioner Mr.Abdul Bashir Khan, Director of the Petitioner, who is personally present in Court states that the Petitioner would be satisfied if

his grievance is looked into by the Deputy Commissioner of Police, Zone – III, Mumbai. Upon this, the learned Advocate General, on instructions states that the Deputy Commissioner of Police, Zone – III, Mumbai, would look into the grievance of the Petitioner as contained in the complaint dated 28th December, 2015, Exhibit – A to the above Petition.

5. The Petitioner to furnish the necessary papers to the Office of the Deputy Commissioner of Police, Zone – III, Mumbai, along with a copy of the instant order, within one week from date. On receipt of such papers, the Deputy Commissioner of Police, Zone – III, Mumbai, would decide upon the complaint of the Petitioner, within four weeks thereafter and communicate such decision to the Petitioner.

6. With the observations as aforesaid, the above Writ Petition is disposed of.

(REVATI MOHITE DERE, J.)

(R. M. SAVANT, J.)