

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

CRIMINAL WRIT PETITION NO.2425 OF 2016

Ameen Mustafa Idrisi : Petitioner.
Versus
The State of Maharashtra and ors. : Respondents.

**ALONG WITH
CRIMINAL APPLICATION STAMP NO.119 OF 2018
IN
CRIMINAL WRIT PETITION NO.2425 OF 2016**

Dr. Syed Ejaz Abbas Naqvi : Applicant.

In the case of between

Ameen Mustafa Idrisi : Petitioner.
Versus
The State of Maharashtra and ors. : Respondents.

Mr. D V Saroj for the Petitioner.
Mr. J P Yagnik, APP for the Respondent/State.
Mr. Syed Ejaz Abbas Naqvi – Applicant in person, present.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.**
DATE : 12th MARCH 2018

P.C.

1 The above Writ Petition has been filed for the following
reliefs :-

(ii) This Hon'ble Court may please to interfere for the end of justice and to bring the wrong doing Respondents as per rule of law in the light of the Petitioner's police complaint dated 15/03/2014 and 04/11/2015.

(iii) The Hon'ble Court may please to quash the provision

of the Section 52A (3) of the Wakf Act 1995 as amended in 2013 for future.

(iv) Direction may be made to allow Respondents to record the Petitioners Statement in the subject matter under Cr.PC.

(v) The Respondents no. may be directed to recover the property as per section 54 of Wakf Act 1995 following due process of law.

(vi) The Respondent No.3 & 4 may directed to not to create third party interest in respect of disputed wakf property admeasuring 4532.39 sq.mtr. (48768.51 sq.feet) situated at Altamound Road, Malabar Hill Mumbai alias Baghe Kareem Yateemkhana.”

2 In so far as prayer clause (ii) of the Writ Petition is concerned, the same appears to be the substantive prayer sought by the Petitioner in the above Writ Petition.

3 The said complaints are in respect of a property which is said to be a Wakf property on which construction has been carried out by the Respondent No.4 pursuant to the said property being sold to the Respondent No.4 by the Wakf in question. In so far as the prayer clause (ii) is concerned, the complaint dated 04/11/2015 which is a complaint later in point of time has been addressed to the Senior Inspector of Police, Gamdevi Police Station. There is no complaint dated 15/03/2014 as appearing in the said prayer clause (ii). However, on pages 32 and 33 of the writ paper book are the letters addressed by one Muslim-E-Hind and Hindu-E-Hind which are dated 12/03/2014

wherein the name of the Petitioner appears on the said letter heads. The said letters have been addressed to the Hon'ble Home Minister, Government of Maharashtra. It appears that the Petitioner has not followed the procedure which is required to be followed. If the complaint is not being entertained by the officers who are lower in hierarchy the complainant can take recourse to Section 154(3) of the Criminal Procedure Code by complaining to the higher officers in the hierarchy, that is admittedly not done so in the present case. We therefore decline to entertain the above Writ petition on the said ground in so far as prayer clause (ii) is concerned.

4 In so far as other prayers (iii) to (vi) are concerned, in our view, the said prayers are totally mis-founded and mis-conceived having regard to the fact that the said prayers are sought in a Criminal Writ Petition.

5 For the aforesaid reasons, the above Writ Petition is dismissed. However, the Petitioner would be at liberty to follow the procedure which is mandated by Section 154(3) of the Criminal Procedure Code or adopt such other remedies as are available in law in respect of the other reliefs.

6 In so far as the above Criminal Application No.119 of 2018 for intervention is concerned, since we have dismissed the above Writ Petition, the same would not survive and to accordingly stand disposed of as such. Needless

to state that the case of the Applicant, seeking intervention, has not been considered by this Court.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]