

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

PUBLIC INTEREST LITIGATION (ST) NO. 35 OF 2017

Mr. Kishor Sohoni	}	Petitioner
versus		
State of Maharashtra	}	
and Ors.	}	Respondents

Ms. Sadhana Kumar for the petitioner.

Mr. J. P. Yagnik-APP for State.

Mr. Kunal Waghmare for the Municipal Corporation.

Mr. Kamlesh Ghumre with Ms. J. Jadhav for MHADA.

Mr. Abad Ponda with Mr. Karan Singh Rajput, Ms. Saifee B. and Mr. Shlok Babar i/b. M/s. Wadia Ghandy and Co. for respondent no. 5.

Mr. J. P. Gaikwad-P. I., Sir. J. J. Marg Police Station present.

**CORAM :- S. C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

DATE :- JANUARY 4, 2018

P.C. :-

1. The PIL petitioner seeks the following two reliefs:-

“(a) Be pleased to direct an inquiry to the matter that despite three notices why the Building was not vacated.

(b) Be pleased to direct to prosecute the government officials and Respondent No. 5 by registering FIR under the relevant provisions of IPC who failed to vacate the

premises as per the guidelines issued by the Hon'ble High Court in 2014 itself.”

2. On instructions, Mr. Yagnik-APP appearing for the respondents/State/police machinery informs the court that a First Information Report has been registered by the Sir. J. J. Marg Police Station being FIR/C. R. No. 145 of 2017 on 13th September, 2017. The investigations are going on in furtherance of this crime registration. Therefore, the petition is worked out as far as this prayer is concerned. Then, it is stated by the PIL petitioner that along with private parties, even the Government and officials of the State machinery are also responsible and they also should be booked for the crime.

3. We do not think that we should entertain any such vague complaint by the petitioner. In the event the PIL petitioner feels that these officials are also involved or have a definite role to play, then, he must proceed and have his statement recorded at the concerned police station. In the event the police machinery do not record his statement or take appropriate steps, none prevents the petitioner from approaching a competent criminal court and either file a private complaint or approach the concerned or competent criminal court where eventually a report would be filed after the investigations are concluded in C. R. No.145 of 2017 by the Sir. J. J. Marg Police Station.

4. We would remind all concerned parties, in particular the PIL petitioner that it is their bounden duty to co-operate with the police machinery. If they have any information with regard to a crime, then, they must co-operate with the investigating machinery by having their statements recorded and forwarding the information in their possession. It is easy to make such allegations and particularly on oath in PILs and it is another thing then to approach the concerned police station and show the readiness and willingness to depose as a witness. It is this later bounden duty of all such parties which they must perform.

5. The public interest litigation is disposed of by granting liberty to the petitioner as above.

6. A copy of the FIR is taken on record and marked as 'X' for identification.

(SMT. BHARATI H. DANGRE, J.)

(S.C.DHARMADHIKARI, J.)