

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Writ Petition No.318 of 2017

(Pragati Shikshan Prasarak Mandal, Yavatmal .vs. State and Ors.)
with

Criminal Writ Petition No.314 of 2017

(Haji Subhan Bhai Multipurpose Society, Nagpur .vs. State and Ors.)
with

Criminal Writ Petition No.315 of 2017

(Swargiya Narendrarao Ashtrankar .vs. State and Ors.)
with

Criminal Writ Petition No.316 of 2017

(B.B.Zulekha Research Foundation for Socio Economic Rural vs. State and Ors.)
with

Criminal Writ Petition No.317 of 2017

(Swami Vivekanand Bahuuddeshiya Sanstha .vs. State and Ors.)
with

Criminal Writ Petition No.372 of 2017

(Mahakali Bahuddeshiya Shikshan Sanstha vs. State and Ors.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr.Firdos Mirza, Advocate for the petitioners (in W.P.
Nos.318/17 314/17, 315/17, 316,17 & 317/17).
Mr.S.J.Kadu, A.P.P. for respondent nos.1, 3 and 4.

W.P. No.372 of 2017

Mr.A.S.Dhore for Petitioner.

Mr.S.J.Kadu, A.P.P. for respondent nos. 1 to 4.

CORAM : P. N. DESHMUKH &
MRS.SWAPNA JOSHI, JJ.

DATE : 4.9.2018.

1. Heard Mr.Firdos Mirza, learned Counsel for the petitioners and Mr.S.J.Kadu, learned Additional Public Prosecutor for respondent nos. 1, 3 and 4.

2. Mr.Firdos Mirza, learned Counsel for the petitioners, by referring to the order of this Court passed in

a bunch of petitions i.e. in Writ Petition No.1209 of 2016 and Others, dt.4.9.2017, has submitted that, in view of said order, present petitions be disposed of as subject matter in the decided petitions and these petitions is one and the same. The prayers in these petitions are identical, which are re-produced as under :

(a) to quash and set aside the impugned communications dated 10.11.2016 (Annexure-H and I) issued by respondent no.5 i.e. the Chairman of respondent no.2-Task Force, communication dated 14.03.2017 (Annexure-G) issued from Office of respondent no.1-State Government and order dated 27.03.2017 (Annexure-F) of respondent no.3 directing for registration of FIR and effecting recovery against the petitioner's Institute being illegal and without jurisdiction;

(b) to command the respondent no.2-Task Force and respondent no.5 its Chairman to not to exceed its jurisdiction and to act within the limits as prescribed in Government Resolution dated 15.01.2016;

(c) to restrain the respondent no.2-Task Force and respondent no.5 its Chairman from issuing directions of registration of FIR to the respondents no.1 and 3 or any other office like the impugned communication dated 10.11.2016.

3. It appears from the order dt.4.9.2017 and Learned Counsels present in the petitions also make a statement upon instructions that the function of SIT constituted as per Government Resolution dt.15.1.2016 or the Sub-Committees constituted by the SIT on 6.2.2016 is over and it's report is received by the State Government. It is further contended that the Government shall look into

the report and shall decide further course of action and shall take appropriate steps, if any, required to be taken. In the circumstances, we find that hereafter none of the petitioners may be required to face any inquiry of SIT or of its Sub-Committees and as such, no further co-operation is necessary. Admittedly, no F.I.R. is registered on the strength of report of S.I.T. or by its Sub-Committees.

In the circumstances, we do not find it necessary to pass any other order as it is always within the domain of State to take necessary steps if any required to be taken on the basis of reports submitted to it.

With these observations and liberty in favour of the State as above as well as in favour of the petitioners to challenge action, if any, taken on the basis of reports of the Committees, we dispose of the petitions with no orders as to costs.

JUDGE

JUDGE

**jaiswal*

Suraj
Satyanarayan
Jaiswal

Digitally signed
by Suraj
Satyanarayan
Jaiswal
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2018.09.06
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