

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

CRIMINAL WRIT PETITION NO.1114 OF 2017

(Fulsing Naik Krida Mandir and another vs. State of Maharashtra and another)

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

Shri N.S. Giripunje, Advocate for petitioners.

Shri A.D. Sonak, Additional Public Prosecutor for
respondents.

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

DATED : SEPTMEBER 6, 2018

The petitioners have prayed for the following
reliefs vide prayer clauses (ii) and (iii) in the present
petition :

“(ii) issue appropriate writ or directions to the
respondents not to interfere in the public amusement
activities run at Fulchand Naik Krida Mandir, which
is situated at Borkar Nagar, Bara Singal, Nagpur, by
the petitioners for the public purpose, which is
registered as per the rules and regulations of Bombay
Public Trusts Act.

(iii) issue the directions to the respondents that
they have no any right or authority to threaten to
shut down the gaming premises of the Fulchand Naik
Krida Mandir, which is situated at Borkar Nagar,
Bara Singal, Nagpur, without having any due
procedure of law.”

Shri Giripunje, learned Counsel for
petitioners. has submitted that petitioner no.1 is
President while petitioner no.2 is Secretary of “Fulsingh
Naik Krida Mandir”, which is registered under Bombay

Public Trusts Act. It is the case of petitioners that petitioner Society is being run for amusement purposes and for organizing events like outdoor games, namely, Kabbadi, Kho-Kho, Chequers, Basket ball, etc. as well as indoor games like badminton, judo, boxing, playing cards, rummy bridge, carrom, etc. All these facilities are provided only to persons, who are members of petitioner Society. According to petitioners, no illegal activities are carried out at their sports complex and they also maintain necessary registers of members, who visit the place. However, Police officials of Imambada Police Station within whose jurisdiction the sports complex is situated, visited the place and alleged running of illegal activities and also threatened to involve members of petitioner Society in false criminal cases. According to learned Counsel for petitioners, one such incident occurred on 12/9/2017, on which day premises of petitioner Society were forcibly closed down by Police officials with warning to members of petitioner Society not to enter the premises and the Police officials while closing premises disclosed that such action was taken on the directions of respondent no.2. Thus, it is the case of petitioners that if at all respondents for any reason want to close down the activities carried out by petitioners at Krida Mandir, they should follow the procedure prescribed under law, which they did not follow and closed down the activities of petitioners illegally.

It is further submitted by learned Counsel for petitioners that petitioners also made complaint to respondent no.2 and brought these facts to the notice of

the said Authority, however, in spite of same, no action is taken and, therefore, petitioners seek the reliefs as aforesaid. In support of the petition, petitioners have enclosed complaint made to respondent no.2 along with list of members.

Shri Sonak, learned Additional Public Prosecutor appearing for respondents has contended that on the basis of complaint of petitioners to respondent no.2, enquiry was conducted by the Officer of the rank of Assistant Commissioner of Police, Nagpur, during the course of which statements of the petitioners were recorded. However, nothing has come out in the enquiry establishing any highhandedness at the hands of Police officials muchless respondent no.1.

We have perused the enquiry report along with statements of petitioner nos.1 and 2 and complaint on the basis of which enquiry was ordered to be conducted. Having considered facts and in view of admitted facts of petitioners not naming any official of respondent no.1 either in the complaint or statements recorded during enquiry, there is nothing to establish highhandedness as has been alleged in the petition. We find the petition to be devoid of merit. The same is, therefore, dismissed.

JUDGE

JUDGE

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