

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3243 OF 2004
IN
CRIMINAL WRIT PETITION NO. 290 OF 2019

1. Mohan Nambiar,]
Adult, Indian inhabitant, aged 40 years]
residing at 2/21, Chembur Vaibhav]
Sahkar Nagar No. 5, Chembur]
Mumbai- 400 071.]
]
2. N. Janardanan]
Adult, Indian inhabitant, aged 33 years]
residing at 1/1, Chempazhanthi,]
P.L. Lokhande Marg,]
Chembur, Mumbai- 400 043.]
]
3. K.R. Subramniam]
35, Shell Colony Chembur,]
Mumbai- 400 071.]
]
4. N.K. Pratapan]
13, Om, Mangal Moorti Co-operative]
Housing Society, 4th Road, Pestom]
Sagar, Chembur,]
Mumbai 400 089.]
]
5. Mr. Kuttikattu Kochamy Madhavan]
Adult, Indian inhabitant, aged 49 years]
residing at 12/136, Shell Colony,]
Chembur, Mumbai- 400 071.]
]
6. Mr. Vadakkedath Inttimakotha]
Bhaskaran, Adult, Indian inhabitant]
residing at 504-C Wing, Meena Towers]
Swastik Park, Chembur,]
Mumbai- 400 071.]
]
7. Rajan Yohannan,]

- Adult, Indian inhabitant, aged 43 years]
 residing at Flat No. 23,]
 Annapurna Co-op. Hsg. Society,]
 Jai Hind Colony, G-Gupta Road,]
 Dombivli (West).]
]
8. Smt. Gopika Janardhanan]
 Adult, Indian inhabitant, aged 27 years]
 residing at 1/1, Chempazhanthi,]
 P.L. Lokhande Marg, Chembur,]
 Mumbai- 400 043.]
]
9. Smt. Shobha Madhavan]
 Wife of Shri. K.K. Madhavan]
 12/136, Shell Colony,]
 Chembur, Mumbai 400 071.]
]
10. Smt. Mallika Bhaskaran]
 Adult, Indian inhabitant, aged 42 years]
 residing at 504-C Wing, Meena Towers]
 Swastik Park, Chembur]
 Mumbai 400071.]
]
11. Mr. Karunakaran Nair,]
 Adult, Indian inhabitant, aged 49 years]
 residing at 8, Yojana Apartments]
 Near Amar Theatre, Chembur]
 Mumbai 400 071.]
]
12. Mr. Pradeep K. Nair]
 Adult, Indian inhabitant, aged 22 years,]
 residing at Yojana Apartments,]
 Near Amarn Cinema, Chembur]
 Mumbai- 400 071.]
]
13. Smt. Ammini K. Nair]
 Adult, Indian inhabitant, aged 42 years]
 residing at 8, Yojana Apartments,]
 Near Amar Theatre, Chembur]
 Mumbai- 400 071.]
]
14. Mr. K.R. Unnikrishnan]
 Adult, Indian inhabitant, aged 43 years,]

- | | | |
|-----|---|----------------|
| | residing at 42, Pampa Co-op. Hsg. |] |
| | Society, Plot No. 81, Sector-29 |] |
| | Vashi, Navi Mumbai. |] |
| | |] |
| 15. | Mr. A. Kannan Nair |] |
| | Adult, Indian inhabitant, aged 40 years |] |
| | residing at B-15, Kanchan Shetal |] |
| | Cheeda Nagar, Chembur |] |
| | Mumbai- 400089. |] |
| | |] |
| 16. | Mr. Shanmukhan Rajan |] |
| | Adult, Indian inhabitant, aged 40 years |] |
| | residing at Chaitali Co-op. Hsg. Society |] |
| | Flat No. 10, Sector-16, Vashi |] |
| | Navi Mumbai. |] |
| | |] |
| 17. | Mr. Ravi Nair |] |
| | Adult, Indian inhabitant, aged 47 years |] |
| | residing at 7/8, Om Mangal Murti |] |
| | 4 th Road, Pestom Sagar, Chembur |] |
| | Mumbai- 400 089. |] |
| | |] |
| 18. | Mario Fortes |] |
| | 13, Kaveri, Chedda Nagar, Chembur |] |
| | Mumbai- 400 071. |] |
| | |] |
| 19. | Mr. Dholandas Gurumukhdas Hassani |] |
| | Adult, Indian inhabitant, aged 52 years |] |
| | residing at 802, Sainath Park Mulund (E) |] |
| | Opp. Neelam Nagar, Mumbai- 400 081. |] |
| | |] |
| 20. | Ashit Mahabal Kukian |] |
| | aged: 37 years, Occu: Service |] |
| | residing at 14, Airoli, |] |
| | Cheeda Nagar, Chembur |] |
| | Mumbai 400089. |] |
| | |]...Applicants |

Versus

The State of Maharashtra	]
(Through Tilak Nagar Police Station)	]
L.A.C. No. 1705 of 1999.	]...Respondent

APPEARANCES-

Mr. E.A. Sasi, Advocate for Petitioners.

Mr. A.R. Patil, APP for Respondent-State.

CORAM : S. S. SHINDE, J
RESERVED ON : 12th JUNE 2019.
PRONOUNCED ON: 7th OCTOBER 2019

JUDGMENT

1 This application is filed with following substantive prayer:-

(a) This Hon'ble Court be pleased to institute contempt proceedings against the Officer-in-charge, Tilak Nagar Police Station; for disregarding the orders of this Hon'ble Court dated 30.06.2003 and for his deliberate failure and neglect to take any action thereon; the concerned Investigating officers of MCR No. 1 of 1998 for their deliberate failure and neglect to comply with the orders and directions issued by this Hon'ble Court on 30.06.2003 and duly communicated to them; by issuing appropriate notice to the Respondent and they may be dealt with strictly in accordance with the law.

2 It appears that, this Court (Coram: J.A. Patil, J.) on 30th June 2003 while issuing Rule in Writ Petition No. 290 of 2003 also directed Respondent No. 2 to file affidavit of the concerned Investigating Officer of Tilak Nagar

Police Station to explain as to what progress has been made in connection with the investigation of C.R. No. 1 of 1998. It appears that, the Applicant being aggrieved by the non compliance of directions contained in the aforesaid order filed this application with a prayer to initiate contempt proceeding against the then officer-in-charge of Tilak Nagar Police Station.

3 Since the subject matter of Writ Petition No. 290 of 2003 was in relation to the FIR filed against the Applicant and not about the aforesaid FIR registered by the Applicant against the complainant Prince Augustine. Therefore, prayer of the Applicant to initiate contempt proceeding against the said officer cannot be considered in the present proceeding. There is also gap of more than 15 years from passing of the said order and when the aforesaid application was heard by this Court on 12th June 2019. In that view of the matter, this Court is not inclined to entertain this application. Hence, application stands disposed of.

[S. S. SHINDE , J]