

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 440 OF 2019
IN
WRIT PETITION NO. 3431 OF 2019**

Anil Ishwardas Sharma

.. Applicant

Vs.

The State of Maharashtra
& Ors.

.. Respondents

Mr. Anil Sharma-applicant appearing in-person.

Mr. K.V. Saste, APP for respondent No.1-State.

Mr. Abhijit Patil I/b Mr. V.D. Patil for respondent No.6.

**CORAM : RANJIT MORE &
N.J. JAMADAR, JJ.**

DATE : 28TH AUGUST 2019

P.C.

1 Heard the applicant who is appearing in-person, Shri K.V. Saste, the learned APP for respondent No.1 State and Shri Vijay Patil, the learned counsel for the respondent No.6.

2 Initially the petition bearing No.3431 of 2019 has been filed seeking directions to the respondent No.1-State of Maharashtra to dismiss the respondent Nos. 3, 4, 5, 7, 8, 9 and 10 from their job and for appropriate punitive action. The grievance raised by the petitioner in that petition was that the aforesaid respondents have committed fraud in selling out Sub-Plots of Plot No.1, Medium Scale Industries, Ulhasnagar, Near Vitthalwadi

Railway Station, Ulhasnagar 421 003. It was the case of the petitioner that he has purchased the subject plots from the original owner by the registered sale deed. However, the original owner had again sold those plots to third person. After hearing both the parties, this Court has disposed of the said petition by granting liberty to the petitioner to approach the Civil Court for appropriate relief in respect of his alleged title to the said plots. So far as the petitioner's allegation regarding the fraud, the petitioner was also granted liberty to approach the Station House Officer of the concerned police station. If the petitioner files report under section 154(1) of the Criminal Procedure Code, 1973, the Station House Officer of the concerned police station shall make a preliminary enquiry and take appropriate action in terms of the decision of the Apex Court in ***Lalita Kumari Vs. Government of Uttar Pradesh & Ors.***¹.

3 The applicant/petitioner thereafter has filed the report under section 154(1) of Cr.P.C. on 22nd July 2019 before the Central Police Station, Ulhasnagar-3, Thane. Thereafter, on 23rd August 2019, the present application seeking issuance of writ of mandamus was filed seeking a direction to the Central Police Station, Ulhasnagar -3 and the Commissioner of Police to register the FIR.

4 Shri Saste, the learned APP, having taken instructions from the

1 (2012) 4 SCC 1

Investigating Officer, states that the preliminary enquiry in respect of the allegations made by the petitioner is being conducted and taking into consideration, the nature of allegations, it took time and also requires some more time. The learned APP further submitted that preliminary enquiry will be completed within two months from today and thereafter appropriate action will be taken on the petitioner's said report. Statement is accepted.

5 In the light of the above statement, we are not inclined to entertain this application and the same is disposed accordingly.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]