

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

WRIT PETITION NO. 2181 OF 2021

Lavender Co-operative Housing Society
Limited

...Petitioner

vs.

The State of Maharashtra and Ors.

...Respondents

Mr. Girish Awale - Advocate for the Petitioner

Ms. M. H. Mhatre - APP for the Respondent-State

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 19th APRIL, 2022

P. C. :-

. Not on board. Taken on board.

2. Considering the limited grievance raised by the Petitioner in our opinion, the Petition can be disposed of at the admission stage itself.

3. The counsel for the Petitioner submits that the Petitioners are the Members of the Co-operative Society namely, Lavender Co-operative Housing Society Limited and though the majority members of the Petitioner's Society complied with all the formalities but for ugly motive of the builder, the Petitioner is subjected to a serious mischief. It is also submitted by the learned counsel for the Petitioner that the mischief played by the proposed accused squarely false in the provisions of Indian Penal Code and particularly invites Section 420 of the Indian Penal Code.

4. The counsel for the Petitioner further submits that the Petitioner made attempt to approach the Police Authorities namely, the nearest Police Station Officers, the Superior Police Officers and in spite of submitting their complaint to the Police authorities, no heed was paid for the considerable length of period. As such the Petitioner had approached this Court.

5. The learned counsel then submits that as there was some difficulty in approaching the judicial forum namely, the learned Magistrate due to peculiar circumstances i.e. outbreak of Covid-19 pandemic and various SOPs in operation, but the Petitioner is now ready to avail the remedy in the nature of approaching the Magistrate for raising his grievance by taking recourse to provisions of Code of Criminal Procedure particularly Section 156 of the Code of Criminal Procedure. Accepting this statement as an undertaking to this Court.

6. The Petition is disposed of with following directions:-

- (i) The Petitioner is permitted to avail the appropriate remedies as available under the provisions of law, if so, advised including approaching the learned Magistrate by filing a private complaint within a period of two weeks from today.
- (ii) If such complaint is submitted to the learned Magistrate, the learned Magistrate to consider the merits of the complaint and pass orders on merits as expeditiously as possible considering the fact that under bonafide impression the Petitioner was

before this Court for considerable period.

(iii) With these observation directions, the Petition is disposed of.

(iv) All concerned to act upon authenticated copy of this Order issued by the Registry of this Court.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)