

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

CRIMINAL WRIT PETITION NO.2191 OF 2022

Smt.Sunita Manoj Chaurasiya and Ors. .. Petitioners

Versus

State of Maharashtra and Ors. .. Respondents

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Mr.Abhishek Ravindra Singh, Advocate for the Petitioners.

Mr.S.R. Agarkar, APP for the Respondent No.1-State.

API Ramdas B. Shendge, Mumbra Police Station, Thane City, present.

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CORAM : PRAKASH D. NAIK J.

DATED : JULY 01, 2022.

P.C. :

The petitioner have challenged the order dated 21st May, 2022, passed by the Special Executive Magistrate, Kalwa Division, Thane, in proceedings under Sections 145(1) Cr.P.C. and Section 146(2) of Cr.P.C. Respondent no.2 is father-in-law of petitioner no.1. Petitioner no.2 is the husband of petitioner no.1 and son of respondent no.2. *Vide* impugned order, the petitioners is directed to hand over the possession of the subject property to respondent no.2.

2 Learned counsel for the petitioners submits that the operative order dated 21st May, 2022, is indicate that the petitioners

are in possession of the subject property.

3 Learned APP submitted that the petitioners has an alternate remedy of preferring revision application before the Court of Sessions to challenge the impugned order.

4 Learned counsel for the petitioners, however, submits that on account of several issues involved in the petition including the biased attitude of the police, the petitioners had approached this Court by preferring Writ Petition under Article 227 of the Constitution of India. In view of order dated 21st May, 2022, the respondent would insist for handing over possession of the property immediately. On instructions, it is submitted that the petitioners are still in possession of the property.

5 Considering the aforesaid circumstances, the petitioners are permitted to resort to the remedy of revisional jurisdiction by preferring revision application before appropriate Court.

6 The operation of impugned order dated 21st May, 2022, is stayed for a period of three weeks to enable the petitioners to prefer revision application before the appropriate Court.

7 In the meantime, the petitioners shall not create third party interest or alienate the property to anyone.

8 It is clarified that this Court has not adjudicated the
petition on merits.

9 Writ Petition stands disposed of.

(PRAKASH D. NAIK, J.)