

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 5865 OF 2021**

Aliraza Parvez Irani	Petitioner
Versus	
Ministry of Home Affairs Maharashtra State and ors.	Respondents

Mr. Shraddha Vavhal, Advocate for the Petitioner.
Ms. M. M. Deshmukh, APP for the State.

**CORAM : PRASANNA B. VARALE &
N. R. BORKAR, JJ.**

DATE : 22nd SEPTEMBER, 2022.

P.C. :

1. The petitioner is before this Court inter-alia praying that respondent No.3-Commissioner of Police, Pune, be directed to decide the representation dated 30th July, 2021 and to take disciplinary action against the guilty officers in accordance with Disciplinary Rules applicable to them. A copy of the representation is placed on record at page 42. According to the petitioner, one Naseem @ Kalabhai, resident of Shivajinagar, Pune, along with his family members have been for years engaged in organised crime in the City of Pune. Thus, there is an atmosphere of fear in the said area. It is also alleged in the representation that the said gang is continuously indulging in criminal activity. It is ultimately submitted in the representation to respondent

No.3 to initiate action against them by invoking the provisions of the Maharashtra Control of Organised Crime Act, 1999 (for the sake of brevity "MCOCA").

2. In response to the notice issued and in view of the order dated 4th August, 2022, the learned APP sought instructions from the office of the Commissioner, Pune. Accordingly, a detailed communication dated 21st September, 2022, is forwarded to the office of the Public Prosecutor. It is stated in the communication which is forwarded through the Deputy Commissioner, Crimes, Pune City that the representation was thoroughly considered. It is further mentioned in the communication that there is family discord between the petitioner and one Sita Salim Irani. This family discord led to lodging of offences against each other. It is further stated in the communication that the petitioner insisted for initiation of the proceedings under MCOCA against certain persons. However, on perusal of the relevant record, it was found that those persons have not indulged in any such act which can be termed as organised crime so as to invoke the provisions of the MCOCA against them. The communication further indicates the list of as many as six crimes registered against the petitioner himself during the period from the year 2001 to 2022 and the latest being crime No.08/2022 for commission of offences under Sections 307, 323, 143, 144 and 147 of the Indian Penal Code, 1860. It is also stated in this communication that the Office of the Deputy Commissioner

of Police made attempt to establish contact with the petitioner so as to seek his response, however, he could not be contacted even on his phone. As there was failure to establish contact with the petitioner, the concerned officer forwarded an intimation to the wife of the petitioner. The communication then concludes with a statement that the allegations made by the petitioner are in the backdrop of the family dispute and discord. There is absolutely no material available so as to proceed against those persons mentioned in the representation to initiate action under MCOCA. Considering all these aspects, we are of the opinion that the petition is devoid of any merits and, as such, it deserves to be dismissed. Accordingly, the petition is dismissed.

(N. R. BORKAR, J.)

(PRASANNA B. VARALE, J.)