

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3908 OF 2021**

Akhtarali Mohmed Idris Shaikh

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Ms.Mahima Sharma i/b. S. A. Legal Advocates & Associates for Petitioner.
Mr.S.S. Hulke, A.P.P for Respondent-State.
API Mr.Avinash Shelke, Tardeo Police Station, Mumbai.

**CORAM : A.S. GADKARI AND
MILIND N. JADHAV, JJ.**

DATE : 17th October 2022.

PC. :

1. By the present Petition, Petitioner has sought a prayer for lodgment of First Information Report (FIR) on the basis of representation dated 9th March 2020 with restoration of possession of the suit premises.

2. At the outset, we may note that, Criminal Writ Petition for restoration of possession of suit premises is not maintainable. As far as lodgment of crime is concerned, by an Order dated 13th September 2022 this Court had directed the Police Authority to record statement of Petitioner and to investigate in to the matter from all angles.

3. Today the learned A.P.P tendered across the bar a report dated 5th October 2022 duly signed by Shri Vivek Shede, Senior Inspector of Police, Tardeo Police Station, Mumbai stating therein that, after recording statement of witnesses and conducting preliminary enquiry into the matter, it was found that, the Petitioner is not residing at the suit premises; that the contesting Respondents have started residing at suit premises after it was allotted by SRA Authority in February 2020. That no cognizable offence is made out after conducting preliminary enquiry from the alleged representation made by the Petitioner. The Investigating Agency has also come to the conclusion that the dispute *inter se* between the Petitioner and the contesting Respondents is of civil nature. That they have closed the enquiry arising out of the representation dated 7th March 2020 made by the Petitioner.

4. In view of the above, the grievance of the Petitioner as made in the present Petition has been meted out and no further directions are necessary.

5. Petition is accordingly dismissed.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]