

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4723 OF 2015**

Pushpa Ravindra Pasi

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Omprakash Pandey a/w. Ms.Suchita Pandey and Ms.Pramila Prajapati i/b.
M/s.Pandey & Co. for Petitioner.

Mr. H.J. Dedhia, A.P.P. for Respondent-State.

Mr. Anuj Jhaveri for Respondent Nos.7 to 10.

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

DATE : 17th August 2022.

PC. :

1. Perusal of Petition and in particular para Nos.4 & 5 thereof clearly indicates that, the husband of the Petitioner has already instituted S.C. Suit No.2460 of 2014 in the Court of City Civil Court, Mumbai for declaration and permanent injunction restraining the defendants therein from demolishing, removing or pulling down suit property and R.A.E.& R. Suit No.278 of 2015 in the Small Causes Court, Bandra in which injunction was granted in favour of husband of the Petitioner.

2. By an Order dated 26th April 2016, this Court had expressed that, it would be appropriate that the complaint filed by the Petitioner will be looked into at the level of D.C.P or A.C.P to take necessary steps by following

in- house mechanism. Today the learned A.PP has produced a report dated 2nd May 2016 duly signed by Assistant Commissioner of Police, Andheri Division, Mumbai.

The concerned authority after conducting inquiry into the complaint of the Petitioner has reached to the conclusion that there is a dispute between the Petitioner and Respondent No.10. That the developer has already executed redevelopment agreement with the tenants in the said project and that is the precise reason for giving rise to the bickering and dispute between the Petitioner and Respondent No.10. The report categorically mentions that, as per the complaint of the Petitioner, it was found in the inquiry that, neither the persons of Respondent No.10 nor the police misbehaved with Petitioner or caused dereliction in duty. Said report is taken on record.

3. In view thereof, Mr.Pandey, learned counsel for Petitioner, on instructions, seeks leave to withdraw present Petition with liberty to pursue the said Civil Suits or to file other Civil litigation, as may be permissible under the law.

Leave and liberty granted.

4. Petition is disposed off as withdrawn with aforesaid liberty.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]