

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 289 OF 2019

Narayan Prasad Goenka	...Petitioner
Versus	
The State of Maharashtra & Anr.	...Respondents

Mr. Pradeep Havnur a/w Ms. Prajakta Jagtap, for the Petitioner.

Mrs. P.P.Shinde, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.
DATE : 7TH JUNE, 2023

P.C. :

1. By this petition, the petitioner seeks a direction to the respondents to register an FIR on the basis of the complaint made by the petitioner as against the Government Officials and Bureaucrats.

2. It appears that the petitioner had filed a private complaint

as against certain Government Officials / Bureaucrats in the Court of the learned Metropolitan Magistrate, 17th Court, Borivali, Mumbai. It appears that the learned Magistrate passed an order under Section 156(3) of the Criminal Procedure Code, pursuant to which, MECR No. 91 of 2015 was registered with the Samata Nagar Police Station, Kandivali, Mumbai. It appears that subsequently, the said MECR was transferred to EOW, Mumbai, and was renumbered as MECR No. 44 of 2015.

3. Today, learned Counsel for the petitioner, has tendered a rejoinder affidavit of the petitioner to the affidavit-in-reply of Mr. Bhalerao. The same is taken on record.

4. From a perusal of the affidavit-in-reply filed by Mr. Vinod Bhalerao, PI, attached to Special Branch -1, CID, Mumbai, it appears that after conducting a detailed investigation, the EOW, Mumbai filed a “B” Summary Report before the learned Additional Chief Metropolitan Magistrate, Esplanade, Mumbai on 4th August, 2020. It

also appears from para 6 of the said affidavit that the said fact has been communicated to the petitioner by speed-post on 15th February, 2019 and that the petitioner has been informed that the inquiry pertains to a complaint letter dated 13th November, 2018 which is a part and parcel of the investigation done by the Anti Corruption bureau, Palghar and hence the file is closed. It is not in dispute that “B” Summary Report is pending before the learned Additional Chief Metropolitan Magistrate, Esplanade, Mumbai.

5. Considering that a “B” Summary Report has been filed, we are not inclined to entertain the said petition. It is open for the petitioner to file appropriate proceeding before the learned Metropolitan Magistrate, if he so desires.

6. Needless to state, that we have not gone into the merits of the petition and as such, all contentions of all parties on merits, are kept open.

7. Petition is accordingly, disposed of on the aforesaid terms.
8. All concerned to act on the authenticated copy of this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.