

Iresh

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

CRIMINAL WRIT PETITION NO. 2441 OF 2022

Indira Nagar Co-op Housing
Society Through Pradeep Sakharam
Wadekar

...Petitioner

Versus

1. State of Maharashtra
2. Senior Inspector of Police, EOW, Mumbai
3. C.E.O. Slum Rehabilitation Authority
4. Dattani Developer & Builders
5. M/s. Vijay Goradia

....Respondents

Mr. Anant Vadgaonkar Advocate for the petitioner

Mrs. P. P. Shinde APP for the State

Mr. Vinod P. Sangvikar i/b Mr. Avinash Kamkhedkar for respondent
no. 3

Mr. Anuj Narula a/w Mr. Tarang Jagtiani, Ms. Meena Bhatta i/b
Jhangiani Narula and associates for respondent no. 4

Mr. Ughade, API, EOW.

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.**

DATE : 18th JULY 2023.

P.C. :

1. By this petition, the petitioner seeks the following substantive reliefs :

“a) In the light of circumstances above, this Hon'ble High Court be pleased to issue a writ of Certiorari or writ in the nature of certiorari or any other appropriate writ, order or direction under Articles 226 of the Constitution of India calling for the records of the Petitioner's case and after looking into the legality and validity thereof, to order Respondent No.1 to appoint Special Investigating Team or State C.I.D as Investigation Agency to find out the Truth in the allegations of the Petitioner.

b) This Hon'ble High Court may kindly be pleased to issue a writ of mandamus or writ in the nature of mandamus or any other appropriate writ, order or direction thereby, directing the Respondent No.2 to record and file an F.I.R against the Respondent No.4 and 5 as per the Provisions of Law and further accordingly to investigate.”

2. Learned APP submitted that the appropriate authority is the High Power Committee ('HPC') and not the Economic Offences Wing ('EOW') to take steps on the petitioner's complaint. Learned APP relied on the Judgment of this Court in the case of *Shailesh Gandhi Vs. State of Maharashtra and others*,¹ as well as, on the order passed by this Court on 3rd March 2023, in the case of *Alamgir Ali Mohammad Malkani Vs. The State of Maharashtra and others*.²

3. She further submits that, the EOW, has transferred the petitioner's complaint to the HPC, SRA on 2nd March 2021 and that it is open for the petitioner to pursue their grievance before the said authority.

4. In view of what was urged by the learned APP, learned counsel for the petitioner, on instructions of the representative of the petitioner who is present in the Court, does not press this petition and as such, seeks leave to withdraw the same.

¹ PIL No. 156 of 2006 with *Suo Moto Writ Petition* (PIL No. 6 of 2007) dated 17.9.2009

² Cri. Writ Petition (ST) No. 1394 of 2023 dated 3.3.2023

5. Petition stands disposed of as withdrawn.
6. Needless to state that we have not gone into the merits of the complaint made by the petitioner, and as such, all contentions of all parties are kept open.
7. All concerned to act on the authenticated copy of this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.