

Respondents to forthwith register an FIR on the basis of complaint dated 29.10.2023 filed by the Petitioner with Respondent No 4, an exercise of the extra-ordinary powers vested to this Hon'ble Court under Article 226 of the Constitution of India;

- b) that this Hon'ble Court may be pleased to direct the Respondent No.4 to take preventive action as contemplated envisage under Chapter VII of Cr. P. C. against the accused to prevent possibility of there being breach of public peace and tranquility and untoward incident taken place;*
- c) that this Hon'ble Court may be pleased to initiate suo-moto contempt proceedings against the arraigned police personnel as per direction of the Hon'ble Apex Court in the matter of Lalita Kumari V/s. State of UP & Ors. (supra);*
- d) that this Hon'ble Court may be pleased to direct the Respondent No.1 to initiate departmental proceedings against the arraigned police personnel in compliance of the judgment of the Hon'ble Apex Court in the matter of Lalita Kumari V/s. State of UP & Ors. (supra). ”*

3. Learned APP on instructions submits that the police have registered an FIR on the basis of the petitioner's complaint dated 29th October 2023 on 20th March 2024. She submits that the said FIR has been registered vide C.R. No.314 of 2024 with the Vishnu Nagar Police Station, Dombivali (West), Thane City for the alleged offences punishable under Sections 447, 341, 504, 506 r/w 34 of the Indian

Penal Code. She states that the police after proper investigation will be filing charge-sheet in the said case.

4. In view of the aforesaid, nothing survives for further consideration in prayer clause 'a', since FIR has already been registered on the basis of the petitioner's complaint dated 29th October 2023.

5. As far as prayer clause 'b' is concerned, police will take steps in accordance with law, as against the accused persons. As far as prayer clauses 'c' and 'd' are concerned, we are not inclined to grant either of the said prayers, considering the fact that police have already registered an FIR and in view of the statement made by the learned APP on instructions that after investigation, charge-sheet will be filed against the accused persons.

5. At this stage, learned counsel for the petitioner states that Section 452 of the Indian Penal Code, ought to have been added to the aforesaid FIR.

6. We have perused the petitioner's complaint and the photographs annexed to the petition. *Prima facie*, we do not find any ingredient of Section 452 IPC having been made out and as such do not find any infirmity for excluding Section 452 IPC from the said FIR.

7. Petition is accordingly disposed of on the aforesaid terms.

All concerned to act on the authenticated copy of this order.

SHYAM C. CHANDAK, J.

REVATI MOHITE DERE, J.