

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 350 OF 2024

Kalyan Ghadge and anr. ... Applicants

Versus

The State of Maharashtra and anr. ... Respondents

Ms. Meghna Gwalani a/w Rama Somani a/w Jaya Katariya for
the Applicants.

Ms. Rutuja Ambekar, APP for the State.

**CORAM : PRAKASH D. NAIK &
N.R. BORKAR, JJ.**

DATED : 03.04.2024

P.C. :-

Applicants are aggrieved by the order dated 03.01.2024 passed by learned Additional Chief Metropolitan Magistrate, 22nd Court, Andheri, Mumbai directing investigation under Section 156(3) of Code of Criminal Procedure in the private complaint filed by respondent No. 2 and the consequential FIR dated 27.01.2024 registered by MIDC Police Station vide Crime No. 89 of 2024 for offence under Sections 420, 467, 468, 471, 406, 341 of the Indian Penal Code.

2. The applicant No. 1 is Police Sub Inspector and applicant No. 2 is Police Inspector. Both of them attached to the Pimpri-

Chinchwad Police Station, Pune.

3. The grievance of the complainant is that the applicants, who were attached to MIDC Police Station, Andheri at the relevant point of time, had investigated the complaint lodged against respondent No. 2 and others by one of the complainant vide Crime No. 198 of 2018 registered with MIDC Police Station, Andheri for offence under Sections 452, 454, 457, 380, 506(ii) r/w 34 of the Indian Penal Code.

4. It is alleged that the complainant in the aforesaid FIR and the applicants have acted in connivance with each other in dispossessing the respondent No. 2 from the flat premises.

5. Apparently, no sanction is agreed for the prosecution of the applicants. However, from tenor of the impugned order dated 03.01.2024, it appears that the complainant had made an application for grant of sanction to prosecute the applicants and there was no response from the concerned authorities.

6. Learned Advocate for the applicants submitted that applicants had acted in discharge of their duties as the police officials attached to the concerned police station no offence has made out against the applicants.

7. The allegations of the complainant does not make out any

offence under Sections 420, 467, 341 against the applicants.

8. Issue notice to respondent No. 2, returnable on 19.06.2024.

9. No coercive action be initiated against the applicants qua impugned order dated 03.01.2024. passed by learned Additional CMM, 22nd Court, Andheri, Mumbai and in respect to the FIR dated 27.01.2024 registered with MIDC Police Station vide Crime No. 89 of 2024 till the next date.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)