

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 50 OF 2024

1. Anilkumar Pal

2. Sumit Anil Pal

.....Petitioners

Vs.

1. The State of Maharashtra

2. The Principal Secretary

3. The Commissioner of Police

4. The Deputy Commissioner of Police

5. Prakash Khandekar

6. Arun Anand Bandkar

7. Raj Prasiddh Narayan Singh

8. Yogesh Sadashiv Jagdale

9. Mukesh Kapldev Pandey

10. Dipak Dhanraj Jhatkar

11. LI Kam Tim

.....Respondents

Mr. N K Sharma, for the Petitioners.

Mr. V.B. Konde Deshmukh, Addl.P.P. for the State.

PSI Mr. Arun Bandgar attached to Vakola Police Station, Mumbai
present

PSI Mr. Mali attached to Vakola Police Station, Mumbai present.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 7th JANUARY 2025.

P.C.:-

1) Heard learned counsel for the parties.

2) By this Petition, the Petitioners essentially seek initiation of
Disciplinary Proceedings against the police Officers on the basis of their

complaint to the Commissioner of Police as well as the Home Secretary. The Petitioners also seek return of the extorted amount of Rs.10,00,000/- taken from the Petitioners on the pretext of settling the matter. The Petitioners also seek a direction to register an F.I.R. against the culprits named in the complaint for fabricating the F.I.R., for lodging false case, for extortion, etc.

3) According to the learned counsel for the Petitioners, no decision has been taken by the Commissioner of Police on the Petitioner's complaint dated 29th August 2023, which is at page 57 of the Petition. He submits that considering that the police had extorted money of Rs.10,00,000/- from the Petitioners, the police ought to have registered an F.I.R. on the basis of Petitioner's complaint.

4) Learned APP, on instructions, submits that the police have registered an F.I.R. bearing C.R.No.661 of 2023 with Vakola Police Station, Mumbai against Petitioner No.2 for the offence punishable under Section 63-B of the Copyright Act, 1957. Mr. Konde Deshmukh, learned APP, on instructions, further submits that the police have completed the investigation in the said C.R. and will be filing chargesheet within eight days from today.

5) As far as Petitioner's complaint made to the Commissioner of Police is concerned, Mr. Konde Deshmukh informs that the Commissioner of Police had directed the Assistant Commissioner of Police to conduct an inquiry and that the Assistant Commissioner of Police, after conducting the inquiry, found no merit in the allegations made by the Petitioner.

6) Considering the aforesaid, we do not wish to go into the merits of the matter. Suffice it to say, that the Petitioner can adopt appropriate legal remedy before the appropriate Forum, i.e., the State Divisional Police Complaints Authority or the State Police Complaints Authority, as the case may be.

7) Be that as it may, considering the aforesaid, we are not inclined to entertain the Petition, more particularly, since the Petitioner has an alternative efficacious remedy of filing a complaint before the appropriate Forum. The Petition is accordingly disposed of in the above terms.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)