

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4284 OF 2024

Swapnil Sanjeev Mahale
Versus

...Petitioner

The Registrar, Maharashtra Council of India
Medicine (MCIM) & Ors.

...Respondents

Dr. Samarth Shrikant Karmarkar a/w P. S. Mishra & Priti Rita i/b Karmarkar &
Associates for Petitioner.

Mr. Y. D. Patil, AGP for State/Respondent No.4.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE: 02 APRIL 2025

P.C.

1. This petition under Article 226 of the Constitution of India is filed
praying for the following reliefs:

"a. That, this Hon'ble Court be pleased to issue writ of quo-warranto
and/or any other writ as this Hon'ble Court finds necessary;

b. That, this Hon'ble Court be pleased to declare that the
professional services rendered by the Respondent No.5 in the capacity
of a medical consultant are void and illegal-ab-initio;

c. That, this Hon'ble Court be please to direct the Respondent Nos.
1, 2, 3 & 4 to restrain the Respondent No.5 medical/para-medical
practice with immediate effect;

d. That, this Hon'ble Court be please to direct the Respondent No.5
to restrain from soliciting herself on any physical and/or virtual
platforms from showcasing herself to be practicing medical/para-
medical with immediate effect;

e. That, this Hon'ble Court be be further pleased to pass and grant
any such relief or reliefs in the nature and circumstances of the case may
deem fit and proper;

f. Any such other or further orders be passed as this Hon'ble Court deems fit and proper in the interest of justice, so as to prevent abuse of process of law."

2. The basic grievance of the petitioner is against respondent No.5 who according to the petitioner, is practicing medicine illegally and contrary to law. The petitioner had earlier approached this Court in the proceedings of Criminal Writ Petition (Stamp) No.121063 of 2023 which came to be disposed of by an order dated 21 November 2024 passed by a coordinate Bench of this Court, wherein the Court has recorded that on the petitioner's complaint, the Police have registered an FIR on 16 October 2024 and in this view of the matter permitted the petitioner to withdraw the complaint.

3. We are informed by learned counsel for the petitioner that the police are investigating the complaint of the petitioner subject matter of the said FIR.

4. Insofar as the reliefs as prayed for in this petition are concerned, in our opinion, the same certainly cannot be granted. If there is any offence or any other illegality, it is for the petitioner to approach the appropriate authorities and seek an action to be taken.

5. All contentions of the petitioner in that regard are expressly kept open.

6. Petition stands dismissed however subject to above observations. No costs.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)