

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

CRIMINAL WRIT PETITION NO.4912 OF 2025

Kishor Vasudev Malgaonkar,	]	
R/of Samta Society, D.N. Nagar,	]	
Andheri (W), Mumbai.	]	.. Petitioner
Vs.		
The State of Maharashtra,	]	
Through the Inspector In-charge,	]	
D.N. Nagar Police Station,	]	
Andheri, Mumbai.	]	.. Respondent

Mr. Vaibhav V. Ugle, Advocate for the Petitioner.

Mr. K.V. Saste, Additional Public Prosecutor for the Respondent.

**CORAM : SHREE CHANDRASHEKHAR, CJ. &
GAUTAM A. ANKHAD, J.**

DATE : 22ND SEPTEMBER 2025.

Per, Gautam A. Ankhad, J.

The petitioner claims that he is eligible for getting a permanent alternate accommodation in a slum rehabilitation scheme. The petitioner submits that he has been defrauded as the Slum Rehabilitation Authority has held one Smt. Sangita Rane eligible, in place of the petitioner. Though his complaint discloses a cognizable offence, the respondent has failed to take action against the accused or register an FIR. Hence this Petition, where the following reliefs are sought :

- “(a) That this Hon’ble Court be pleased to pass appropriate writ, order and direction directing the respondent to take cognizance of the statement of the petitioner recorded by the respondent on 23rd May 2025 on such terms as this Hon’ble Court may deem fit and proper;*
- (b) That this Hon’ble Court be pleased to issue an appropriate writ, order and direction directing the respondents to forthwith register the FIR against the accused pursuant to the statement of petitioner dated*

23rd May 2025 on such terms as this Hon'ble Court may deem fit and proper."

2. In our view, the reliefs cannot be granted in view of the decision in "*Harshad Anil Kale v. State of Maharashtra*" AIR OnLine 2019 Bom 1629, where a Division Bench of this Court held as under :-

"38. Undoubtedly, the Full Bench did not specifically advert to the question as to whether the FIR ought not be registered, despite there being allegations of commission of cognizable offence, before the matter is examined by the High Power Committee. However, the underlying purpose of the directions to constitute a High Power Committee to examine the grievances cannot be lost sight of. The issues involved in the execution and implementation of slum rehabilitation scheme are complex. Not only the stakes are high, having regard to the scarcity of land in Mumbai and the price it commands, but also the stakeholders are multiple. There are disputes inter se between the slum dwellers. There are disputes as to who are the true representatives of the slum dwellers, when there are different factions. There is competition amongst the developers. Various means are adopted to wean away the maximum number of slum dwellers for bagging the project. In this backdrop, often the allegations and counter-allegations, including that of fraud and forgery of documents, are made. At the root of the controversy is often the eligibility of a person to get a tenement in the scheme. The necessity of examination and consideration of the grievances by the High Power Committee is required to be appreciated in the backdrop of these complexities, apart from the allegations of administrative lapses, connivance and complicity of the officers and officials who are involved in the execution of these projects.

54. The question which, however, warrants serious consideration is whether it would be proper for this Court to quash the proceedings at this stage, when investigation is complete and charge-sheet has been lodged on the premise that the FIR ought not to have been registered without the matter having been first examined by the High Power Committee. It is in the interest of public justice that an offence should not go uninvestigated if not unpunished. Indeed, if certain offences have been committed in the preparation of Draft Annexure-II, the perpetrators must be prosecuted and punished, if found guilty. Viewed through this prism, the progress made in the prosecution till date

may not be rendered worthless provided an element of criminality is found by High Power Committee. We do not find any impediment in the examination of the matter, even at this stage, by the High Power Committee.”

3. In view thereof, the petitioner is at liberty to approach the High Powered Committee (Apex Grievance Redressal Committee) with his grievances. We clarify that we have not heard the matter on merits and it shall be open to the petitioner to raise all his grievances before the Committee, which shall decide the petitioner’s application in accordance with law. Consequently, Writ Petition No.4912 of 2025 is dismissed with the above clarification.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]