

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1232 OF 2026

Keshamma Ramsubayya Pavali & Ors. ... Petitioners
versus
State of Maharashtra & Ors. ... Respondents

...
Mr. Advait Tamhankar for the Petitioners.
Mr. S. V. Gavand, APP for the Respondent - State.
...

CORAM : RAVINDRA V. GHUGE &
ABHAY MANTRI, JJ.

DATE : MARCH 17, 2026

P.C:

1. Not on board. On the request of the learned Advocate for the Petitioners, the matter is taken on the production board.
2. The Petitioners have put forth prayer clauses (a), (b) and (c), as under :

“a. That this Hon'ble Court be pleased to issue a Writ, Order or Direction in the nature of Mandamus or any such other Writ Order or Direction as this Hon'ble Court may deem fit, directing Respondent No. 6 to depute a credible officer to restore the possession of the Petitioners to the Suit property situated at Plot located at Survey No. 51/3 E, C.T.S. No. 450, Ganeshnagar, Ghorpadi, Pune.

b. This Hon'ble Court may further be pleased to issue a Writ Order or Direction in the nature of Mandamus or any other such Writ Order or Direction as this Hon'ble Court may deem fit, directing the Office of Respondent no. 6 to provide effective police protection to the Petitioners, through the officers of Respondent No. 1 or through officers of any other Police Station as Respondent no. 6 deems fit to ensure compliance of order dated 26.11.2025 passed by the Ld. 3rd Joint Civil Judge, Senior Division, Pune in R.C.S. No. 32 of 2025, thereby restraining the Respondent No. 4 & 5 from dispossessing the Petitioners at all such times till the vacation of order dated 26.11.2025.

c. This Hon'ble Court may be further pleased to direct the Respondent no. 6 to set up an enquiry against the concerned officers of the Respondent no. 1 and Respondent no. 2 and 3, for the illegalities and irregularities committed by them in wilful breach of Judicial Orders and to submit a report of such enquiry before this Hon'ble Court within such reasonable time as this Hon'ble Court may deem fit.”

3. The Petitioners claimed that private Respondent Nos. 4 and 5 induced the Petitioners to invest substantial amounts in various bhishi schemes (chit fund/kitty party) on the assurance of high financial returns. These two Respondents failed to provide the assured returns. Therefore, it is alleged that these two Respondents assured the allotment of residential flats to the Petitioners. On 19.10.2021, the First Information Report (FIR) was lodged by the Petitioners against Respondent Nos. 4 and 5, bearing No. 258 of 2021. These two Respondents were arrested and were in

custody for a period of two years. Another FIR was registered by one, namely, Lakshmi Tirupati Rasupalam, bearing No. 299 of 2024, on 11.07.2024. Respondent Nos. 4 and 5 lodged an FIR, bearing No. 506 of 2024, on 28.12.2024, against the Petitioners. The Petitioners have already filed Regular Civil Suit No. 32 of 2025 with regard to the suit property.

4. The Petitioners are aggrieved that the private Respondent Nos. 4 and 5, who are the Defendants in Regular Civil Suit No. 32 of 2025 registered with the 3rd Joint Civil Judge, Senior Division, Pune, have violated an injunction order passed in favour of the Petitioners. Their further grievance is that these Defendants have taken help of bouncers and physically assaulted the Petitioners, while the police party protecting the Petitioners at the suit site appeared helpless and did not help the Petitioners. There were four constables protecting the 16 Petitioners. Because the Petitioners are ladies, the Defendants engaged female bouncers, who overpowered the four lady constables and dragged one of the Petitioners out of the house.

5. The learned APP submits that the litigation history is interesting. Respondent No. 4, who claims to be the owner of the suit property, was behind bars on account of the FIR lodged by the Petitioners.

While Respondent No. 4 was behind bars, these Petitioners forcibly took possession of the suit property. Now, Respondent No. 4 has forcibly taken possession of the suit property from the Petitioners.

6. The grievance of the Petitioners is that the police lady constables, four in number, who were deployed to protect the 16 Petitioners, have failed in their duty, and the injunction order of the Civil Court has been violated.

7. We grant liberty to the Petitioners to file an application under Order XXXIX Rule 2A of the Civil Procedure Code, 1908 and to bring their grievances of violation of the injunction order, to the notice of the Civil Court. The Petitioners also pray for action against the police party, which failed in its duty to protect them, as well as against the Police Inspector of the police station, who failed to register an FIR against the Defendants (though an NC has been registered) for the incidents that took place on 02.02.2026 and 22.02.2026.

8. In view of the above fact situation, **this Writ Petition is dismissed.** We make it clear that, we are not entertaining this Petition because the civil suit is pending and it is alleged that the injunction order

has been violated. The Petitioners have an efficacious remedy before the Civil Court and all contentions of the litigating parties are kept open.

9. Needless to state, the learned Civil Court is at liberty to consider the application of the Petitioners, if filed, and examine all contentions and allegations of the parties.

(ABHAY MANTRI, J.)

(RAVINDRA V. GHUGE, J.)