

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION (STAMP) NO.12558 OF 2024***

Meena Govind Limbole and Ors. ...Petitioners
Versus
State of Maharashtra and Ors. ...Respondents

***WITH
INTERIM APPLICATION (STAMP) NO.16660 OF 2024
IN
CRIMINAL WRIT PETITION (STAMP) NO.12558 OF 2024***

Chandrakala Chandumitkar and Ors. ...Applicants

IN THE MATTER BETWEEN:

Meena Govind Limbole and Ors. ...Petitioners
Versus
State of Maharashtra and Ors. ...Respondents

Mr. Ghanshyam Upadhyay a/w Mr. Rakesh Singh, Ms. Himani Singh
Ms. Kiran Shetty and Mr. Siddharth Jha i/b Law Juris, for the
Petitioners.

Mr. H. S. Venegavkar, P.P. a/w Ms. Kranti T. Hiwrale, A.P.P for the
Respondent Nos.1 and 2-State.

Ms. Purnima Kantharia, a/w Mr. Vijay Jaitkar, for the Respondent
No.3-Mumbai Municipal Corporation.

Mr. Swaraj Jadhav, for the Applicants/Interveners in
IAST/16660/2024.

Mr. Amish Bangade, Assistant Engineer (B&F) Dept, is present.

Mr. Pankaj Meherkhamb, Jr. Engineer (B&F) Dept, is present.

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.***

DATE : 9th AUGUST 2024

P.C. :

1. Heard learned counsel for the parties.
2. By this petition, the petitioners seek a direction to the respondent No.1 to register an FIR as against the police personnel of DCP Zone – X, officials of Mumbai Municipal Corporation as well as against the Developers, for the offences punishable under Sections 323, 234, 326, 327, 329, 352, 354, 347, 448, 451, 452 r/w 120 B of the Indian Penal Code; Sections 3(1)(c), 3(1)(g), 3(1)(p), 3(1)(z), (2)(i), (2)(ii), (2)(v), (2)(va) and (2)(vii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The petitioners also seek constitution of a Special Investigation Team (SIT), so that investigation can be carried out fairly and impartially.

3. During the course of the arguments, in view of the allegations made by the petitioners as against the police personnel, officials of Mumbai Municipal Corporation as well as against the Developers, Mr. Venegavkar, learned Public Prosecutor appearing on behalf of respondent Nos. 1 and 2 suggested that the Court can appoint a SIT headed by Mr. Shashi Kumar Meena, Additional Commissioner of Police (Crime). He submits that Mr. Shashi Kumar Meena would be at liberty to appoint Deputy Commissioner of Police (DCP) of his choice as well as team of officers to investigate the said case, as he deem fit and proper. Mr. Venegavark further submits that the overall supervision will be done by Joint Commissioner of Police (Crime) – Mr. Lakhmi Gautam.

4. Considering the statement made by Mr. Venegavkar, learned Public Prosecutor, we deem it appropriate to constitute a SIT, headed by the Additional Commissioner of Police (Crime)–Mr. Shashi Kumar Meena. Mr. Shashi Kumar Meena to appoint a DCP of his choice as well as team of officers to investigate the complaints of the

petitioners. We also direct the Joint Commissioner of Police (Crime) – Mr. Lakhmi Gautam to supervise the overall investigation of the said case.

5. Considering that the allegations are made as against the police of Powai Police Station, where two C.Rs are registered i.e. C.R. Nos.519 of 2024 and 520 of 2024, we deem it appropriate to direct that the investigation of the said two C.Rs also be transferred to the SIT, who will be looking into the complaints made by the petitioners. The police of the Powai Police Station/Sakinaka Police Station to forthwith transfer all the papers pertaining to the investigation of the said FIRs and also all complaints made by the petitioners and others to the Additional Commissioner of Police (Crime) – Mr. Shashi Kumar Meena. The concerned officer to examine the petitioners complaints seeking registration of an FIR as well as other complaints made on 14th 15th and 16th June 2024. The police, if required, re-record the statements of the said persons. The police to also record the statements of all other witnesses and to collect CCTV footages, as may

be necessary, in accordance with law. The police to also record the statements of the applicants/interveners, who have filed the aforesaid intervention application, during the course of their investigation and look into the same. The said process to be done at the earliest.

6. We trust, hope and expect that the investigation will be done fairly, impartially and uninfluenced by anyone. All parties shall co-operate in the investigation.

7. Stand over to 30th August 2024.

8. In the meantime, Ms. Kantharia, learned counsel for the respondent No.3-M.M.C to file an affidavit-in-reply in the registry within two weeks from today with an advance copy to the learned counsel for the petitioners.

All concerned to act on the authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.