



VRJ

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

**WRIT PETITION NO.4169 OF 2021**

|                     |                 |
|---------------------|-----------------|
| V. Motwani & Ors.   | ... Petitioners |
| <b>V/s.</b>         |                 |
| Sudhir Diwan & Anr. | ... Respondents |

None for the petitioners.

Mr. Adithya R. Iyer for the respondent No.1.

Mr. A.R. Patil, APP for the respondent No.2/State.

**CORAM : AMIT BORKAR, J.**

**DATED : MARCH 10, 2023**

**P.C.:**

1. None for the petitioners. However, having considered the averments in the petition and the material on record, in my opinion, the petitioners have made out a prima facie case.

2. The petitioners are the managing committee members of a cooperative housing society. The respondent No.1 is the member of the said cooperative society. The allegations in substance made against the managing committee members are preparation of draft minutes of the Annual General Meeting of 2018, not giving information which the petitioners were bound under the Maharashtra Cooperative Societies Act, 1960, failure to perform statutory duties to remove illegal construction, issuance of demand of water charges which according to the complainant was illegal,



violation of provisions of the Bombay Municipal Corporation Act, 1888.

3. Having considered the said allegations, prima facie, in my opinion, the remedy of the complainant is not to initiate criminal proceedings but to approach forum under the provisions of the Maharashtra Cooperative Societies Act, 1960 and authority under the Bombay Municipal Corporation Act, 1888. In that view of the matter, the petitioners have made out a case for grant of interim relief.

4. During the pendency of present petition, there shall be interim relief in terms of prayer clause (b).

**(AMIT BORKAR, J.)**