

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

DIST : AHMEDABAD

SPECIAL CRIMINAL. APPLICATION NO. OF 2018

In the matter of Article 226 of the  
Constitution.

And

In the matter of Section 482 of the Code  
of Criminal Procedure, 1973;

And

In the matter of section 156, 178and 181  
of the Code of Criminal Procedure, 1973.

And

In the matter of offence registered as  
I/20/2018 with DCB Police Station,  
Ahmedabad City, Gujarat, for offence  
punishable under Sections 120B, 153A,  
153B, 406, 409 and 420 of the Indian  
Penal Code and Sections 13 (1) (d) (i) and  
13(2) of the Prevention of Corruption Act.

1. Javed Anand

Age:- 68 Years,

Residing at: 'Nirant'

Juhu Tara Road, Juhu,

Mumbai -400 049

2. Teesta Atul Setalvad,

Age:- 56 Years,

Residing at: 'Nirant'

Juhu Tara Road, Juhu,

Mumbai -400 049

... Petitioners

( Orig. Accused )

Versus

1. Police officer in charge,

DCP Crime Branch, Police Station,

Gaekwad Haveli, Ahmedabad City, Gujarat.

2. State of Gujarat,

(Notice to be served through Ld. Public

Prosecutor, Hon'ble Gujarat High Court,

Ahmedabad)

3. Raeeskhan Azizkhan Pathan

Aged: 51, 28, Ajit Residency, Mill Compound,

Rakhiyal, Ahmedabad City.

(Resp. No. 3-

Orig. Complainant )

TO

THE HONOURABLE THE CHIEF JUSTICE

AND THE OTHER HONOURABLE PUISNE

JUDGES OF THIS HON'BLE COURT OF

GUJARAT

THE HUMBLE PETITION OF THE PETITIONERS  
ABOVENAMED

MOST RESPECTFULLY SHEWETH:

1. The Petitioners are adult citizens of India and domiciled within the State of Maharashtra and hold positions of respect and good repute in the society.
2. The Respondent No. 1 is the State of Gujarat through ACP Crime Branch Ahmedabad City, Gujarat.
3. Through this instant Petition the Petitioners are seeking a direction in the nature of certiorari **thereby quashing the FIR registered I/20/2018 with DCB Police Station, Ahmedabad City, Gujarat. In the alternative the Petitioners are seeking appropriate writ order or direction, thereby seeking transfer of investigation being conducted by the Respondent No.1 in pursuance to the offence registered as I/20/2018 with DCB Police Station, Ahmedabad City, Gujarat, for offence punishable under Sections 120B, 153A, 153B, 406, 409 and 420 of the Indian Penal Code and Sections 13(1)(d)(i) and 13(2) of the Prevention of Corruption Act to Juhu Police Station, Mumbai as the cause of action as alleged in the offence registered as I/20/2018 with DCB Police Station, Ahmedabad City, Gujarat, has occurred within the local jurisdiction of Juhu Police Station, Mumbai.** A copy of the FIR in offence being I/20/2018 with DCB Police Station, Ahmedabad City, Gujarat is annexed hereto and marked as **ANNEXURE-A.**
4. The Petitioner No.1 is a journalist and activist working in Mumbai for more than 45 years. He is a columnist and writing regularly for the Indian Express, Times Of India, Hindustan Times, Asian Age, The

Week and many periodicals and newspapers. The Petitioner No.1 is a founding trustee of Sabrang Trust, Citizens for Justice and Peace and a co-editor of Sabrang India, an online news magazine. The Petitioner was awarded with the 'Knight of the Order of Merit' by the then French President in the year 2005 and in 2007 Petitioner No.1 was awarded with Minorities Rights Award by the National Minorities Commission and has been conferred many other awards for his writing and his work on communal harmony.

5. Petitioner No.2 was conferred with a 'Padma Shri' in 2007 for her contribution in the field of Public Affairs. Petitioner No.2 is an Award Winning Journalist and Educationist and Human Rights Activist. She has been journalist since 1983 and was a reporter with *The Daily* and *The Indian Express* apart from being Senior Correspondent with *The Business India*. Since August 1993, the Petitioner No.2 has been the Editor of 'Communalism Combat'. Apart from her work in the field of journalism Petitioner No.2 is also recognized as a prominent Educationist, Social and Human Rights Activist due to her work with organizations like *Citizens for Justice and Peace* (as Secretary) and KHOJ, Education for a Plural India Program (as Director).
6. The Petitioners State that on 31.03.2018 the Petitioners were served with the notice u/s 41A of the Code of Criminal Procedure asking them to come to the Respondent No.1 Police Station at 11.00 AM on 01.04.2018. The said notice stated that the offences was registered u/s. 120-B, 153A, 153-B, 406, 409, 420 of IPC and S.13(1)(d) and 13((2) of Prevention of Corruption Act. A Copy of the notice dated 31.03.2018 is annexed hereto and marked as **ANNEXURE-B**.

7. The Petitioners were shocked to get the said notice as they were not aware about the First Information Report and hence through their well-wishers got the copy of the FIR and were shocked to know about the complainant and allegations in the complaint. The Petitioners after getting a copy of the FIR realized that the same was registered with the Respondent No.1 on 30.03.2018 at 10.00 pm .

8. The Petitioners state that the grievance of the first informant pertains to a project which is being conducted and undertaken by Sabrang Trust. Sabrang Trust was established in 1993 and is a registered trust at Mumbai under the Bombay Public Trust Act, 1950 with Registration No. E-16029 (Mumbai).A copy of the Certificate of Registration is annexed at ANNEXURE-C. Trust's activities include the following:

a. Running the KHOJ Programme of plural education in a few schools in Maharashtra on an experimental basis,

b. Advocacy/Campaigns through Meetings, Workshops, Seminars: Engaging with state actors and civil society groups to address issues related to prevention of discrimination and promotion of equal opportunities, need for new law to control recurring communal violence

c. Training workshops: For teachers/community workers for the KHOJ programme; for activists on how to use the RTI Act.

d. Meetings/Publications on progressive interpretations of Islam: to promote gender justice and to highlight the point that Islam is against extremist thought and terrorist acts.

9. During the proceedings before the Hon'ble Sessions Court in an

affidavit filed the same day that the application by present applicants for anticipatory bail was finally heard and was kept for orders and ultimately rejected, the investigating officer (IO) has mischievously put Ahmedabad as 'the scene of offence.' Under the column of the 'scene of the offence', the IO has deliberately given the address of the Field Office of Citizens for Justice and Peace (CJP) in a labored attempt to somehow connect the alleged offences with the state of Gujarat. The applicants vehemently deny this and express their shock at this deliberate obfuscation by the Crime Branch on affidavit before the Hon'ble Sessions Court of Ahmedabad. The Crime Branch is fully aware of the following facts:

Citizens for Justice and Peace and Sabrang Trust are two entirely different trusts with their separate Memorandum of Understanding and Indenture of Trust respectively, separate board of trustees, separate bank accounts, separate books of accounts. Copy of the Trust deed of Sabrang trust is attached to ABA in Hon'ble Gujarat High Court (Annexure RR at page no. 261 - 270). Copy of memorandum of Association of Citizens for Justice and Peace is hereby annexed as **ANNEXURE-D** to this affidavit. All this information is already available with the Crime Branch of the Ahmedabad police in the investigations related to FIR CR NO I - 4/2014 during which over 20,000 pages of accounts and vouchers have been submitted to the investigating agency.

10. The Petitioners state that from the bare perusal of the said FIR it is clear that the allegations as per the FIR are as follows:

- a) Sabrang Trust of which the Petitioners are trustees have been given grant by the Ministry of Human Resource Development, New Delhi for running a project called Khoj which amount was allegedly misappropriated by the Petitioners.
- b) The Petitioners were allegedly not eligible for the grant and yet got the grant through collusion with the officials of the Ministry of Human Resource Development, New Delhi and it further alleged that the Ministry of Human Resource Development did not seek any expense reports from the Petitioners to ensure that the grant was not used for personal purpose;
- c) That Petitioner No.2 despite the purported conflict of interest (on account of her being a member of CABE committee) proceeded to collect grants under the Scheme of Education Scheme and Alternative & Innovative Education Program on the Sarva Shiksha Abhiyan – Experimental & Innovative.
- d) There is also a mention of Section 153A without any reference to any particular statement.

11. The Petitioners state that they are seeking the reliefs of

(A) Quashing the offence registered as I/20/2018 with DCB Police

Station, Ahmedabad City, Gujarat and in the alternative

(B) transfer of investigation from the Police Station at Ahmedabad

City to either Mumbai or New Delhi.

At the outset the Petitioners will deal with the alternate prayer:

**(A) Transfer of investigation from the Police Station at Ahmedabad**

**City :-**

- (i) The Petitioners state that it is evident from the above referred FIR that the grievance of the first informant is pertaining to grants/aid

under the Scheme of Education Grant Scheme and Alternative & Innovative Education Program on the Sarva Shiksha Abhiyan – Experimental & Innovative which infact was sanctioned for the schools and children within the State of Maharashtra only. The sanction was from New Delhi. The amount was received only in Maharashtra and utilized only in Maharashtra.

- (ii) The Petitioners state that in order to understand the present controversy and to ascertain as to why the Police Station at Ahmedabad City has no jurisdiction to investigate the present offence it is necessary to know the details and background of the said scheme and disbursement of the funds thereof and the same are as follows:-

**A)** Over two decades ago (1994) the Sabrang Trust conceived a program for school children which was christened as '*KHOJ: Education for a Plural India*'. As a project of Sabrang Trust, the KHOJ innovative educational modules evolved by the Petitioners have been successfully implemented in both privately run and civic corporation-run schools in Mumbai and elsewhere in Maharashtra over the years. 'KHOJ' has been active since 1994 and has been working on the crucial area of Education Policy related to Democratization of the Social Studies and History Syllabus and Text-books. The project till date is confined to Maharashtra. In the decades of its implementation, for a brief spell for a period of one year *prior to the sanction of the grant by the ministry of HRD* the project was carried out in Himmatnagar, but this project was discontinued much before the grant was given or sanctioned by



the HRD. Since then and during the entire period of the HRD grant, no work pertaining to KHOJ was conceptualized, planned or carried out in any part of Gujarat. The petitioners crave leave to show documents as and when the need arises.

- B) Prior permission for a team of 'KHOJ' teachers to run these classes in the Schools run and managed by the Municipal Corporation of Greater Mumbai (MCGM), for example, was granted by the MCGM's Education Officer, year after year. A copy of the permission is annexed hereto as **ANNEXURE-E**.
- C) The Petitioner No.2 was appointed to the Central Advisory Board of Education (CABE) Committee, New Delhi (CABE is a board constituted by the Parliament) in 2004 and served on the board till the year 2014. She was appointed due to her pioneering work in the field of curricular development and education.
- D) The Petitioners state in the course of their work they came to know about the grant by the Ministry of Human Resource Development for Scheme of Assistance Under Innovation and Experimental Education Programmes (Sarva Shiksha Abhiyaan).
- E) The Petitioner No.2 on behalf of Sabrang Trust submitted the proposal in the prescribed proforma for 100 % grant from the Ministry of Human Resource Development to the then Joint Secretary of the Ministry of Human Resource Development for the three years i.e. for 2009-10, 2010-11 and 2011-12.

- F) The Petitioners submit that though the said proposals were for the period 2009-10, 2010-11 and 2011-12 but the same was approved for the period February 2011 to March 31, 2014.
- G) The Petitioners submit that the said grant was received by Sabrang Trust for its 'KHOJ' project only and utilized for the same alone and that too for Maharashtra only. A copy of the KHOJ project proposed to HRD Ministry was for Maharashtra schools only is also clear from the application made to HRD Ministry in the prescribed format, along with covering letter dated March 9, 2010. (**ANNEXURE-F**). In response to question 8, it was clearly stated: "At the moment, KHOJ is operating in four districts (Mumbai, Mumbai suburban, Thane and Kalyan). KHOJ classes are being conducted in 33 schools, engaging 2,000 students in its innovative teaching programme annually. With the project being proposed (to the Ministry), I propose to cover 6,000 students in 75 schools including the existing 33 schools with its 2,000 students, in Mumbai, Mumbai suburban, Thane, Thane rural, Kalyan. Buldana, Aurangabad, Bhiwandi and Nanded districts". From this it is absolutely clear that the HRD Ministry funded KHOJ project was intended for schools in the state of Maharashtra alone.
- H) Through the infusion of the grant in the said project the Trust sought to reach out to 6000 students in 75 schools, which would include the 2000 students in 33 schools across Maharashtra where KHOJ classes were already being conducted.
- I) The Petitioners state that following the recommendation of NCERT (National Council of Educational Research &

Training), Delhi, the Ministry of Human Resource Development carried out a detailed scrutiny by a 2-member Field Investigation Team (FIT), one of whom was from the primary schools education department, Maharashtra. This fact again supports the Petitioners contention that the entire project proposal concerned schools in Maharashtra alone. FIT filed its report to the HRD Ministry after visits to the schools in Maharashtra. Before the grants were released, Petitioner No 2 was asked to make a detailed presentation on the proposed 'KHOJ' project before the appropriate Grants-in-aid-Committee of the HRD Ministry in Delhi. The Petitioners submit that it was only after going through such rigorous procedure and strict scrutiny that the Ministry of Human Resource Development was pleased to sanction the 100% aid/grant to the Sabrang Trust for its project 'KHOJ'.

J) The Petitioners submit that said aid/grant was released only upon verification and approval of the revised budgets called for by the concerned officers from time to time and which were submitted by the Petitioners. The Petitioners state that the project was conceptualized and executed in the aforesaid factual matrix and the same was appreciated by many schools. Under the said scheme, 16 teachers were employed during the duration of the project. The said project benefitted 192 schools through direct teaching and teacher training programmes. 10 Libraries were setup across Maharashtra and most of the books for the libraries were procured from Government publishing houses. An online project was set up, the same is still accessible online. 7

short films were made and one book was conceptualized and published as curriculum for 5<sup>th</sup> standard students.

K) Through this curriculum which was a child centric pedagogy India's constitutional values and pluralism was imparted to around 6000 students across the State of Maharashtra.

L) The petitioners submit that the baseless allegation about the KHOJ project spreading vengeance, discord and enmity between communities or castes is false and not based on facts. To begin with, the FIR is totally vague about which statements or which part of project violates Section 153A or 153B of the Indian Penal Code. KHOJ's work has been recognised nationally and internationally by UNESCO and other well known bodies. It is preposterous that such allegations are being made concerning KHOJ activity being prejudicial to the Republic, Constitution, Judiciary and hence dangerous for national integrity. The applicants crave leave to annex hereto KHOJ's book, ME, MINE, YOU and OURS as produced during the duration of the KHOJ project. Each line, chapter reflects Indian Constitutional ideals and the Vision of our Freedom Fighters and Members of the Constituent Assembly like Dr Babasaheb Ambedkar and visionaries like Jyotiba Phule and Savitribai Phule. The petitioners crave leave to produce the set of DVDs also produced during the period of the project at the time of hearing of the matter if so required by the Hon'ble court. The petitioners would also like to place on record our shock and dismay that a police department is assigning itself the task of whetting school curriculum and syllabi a task for which it is

neither qualified nor jurisdictionally supposed to police.  
Annexed as **ANNEXURE-G** to this petition is the copy of the book ME, MINE, YOU and OURS produced by KHOJ.

M) The petitioners submit that, mid-course of the KHOJ project implementation, a 3-member Joint Evaluation Team (JET) was sent to Mumbai to evaluate the progress of the KHOJ Project funded by HRD Ministry. Petitioners say and submit that one of the 3-members of JET was a senior official from the education department of Maharashtra government. This again shows that the KHOJ project proposed by Sabrang Trust and approved by the HRD Ministry was for Maharashtra schools only. The JET concluded: “Overall, the objective and efforts of the Khoj project are undoubtedly laudable, since not only do these cater to the need to promote secularism and peace education, which should be a priority, but also since there is hardly any effort otherwise in mainstream schools to address these aspects....The Khoj project may continue to be supported for at least another two year term so as to be able to assess any impact”. (A copy of the Report of the JET is annexed hereto as **ANNEXURE-H**)

N) The Petitioners submit that the project ‘KHOJ’ was being conducted by Sabrang Trust.

O) That the Petitioner No.2 on behalf of Sabrang had applied for 100% grant/aid for its ‘KHOJ’ project.

P) The grants/aid released by the Ministry of Human Resource Development was released in favor of Sabrang Trust for their project ‘KHOJ’ executed in Maharashtra schools only

Q)The Petitioners submit that the Ministry of Human Resource

Development approved an item wise budget for first two years vide its letter dated 15/02/2011 and the item total budget approved was as follows :-

For 1<sup>st</sup> Year an amount of Rs. 1,17,45,000 .

For 2<sup>nd</sup> year an amount of Rs. 88,75,000.

R) The Petitioners submit that the Ministry of Human Resource Development approved and released the grants/aid to the project 'KHOJ' over 3 installments in the following manner :-

In February 2011: an amount of Rs. 58, 72,500 was released.

In July 2012 an amount of Rs. 26,66,570 was released.

In July 2013 an amount of Rs. 54,20,848 was released.

S) That for the purpose of receiving grants/aid from Ministry of Human Resource Development for the 'KHOJ' project the Petitioners had initially received the money in account of Sabrang Trust, account number 369102010037953 with the Union Bank of India, Juhu Tara branch but thereafter as per the conditions of the HRD Ministry a separate bank account (Sabrang Trust-HRD) being Account No. 369102010806781 with Union Bank of India, Juhu Tara branch at Mumbai was opened and all the grant/aid received from Ministry of Human Resource Development was directly transferred to this account. Later on, a separate account for KHOJ project was opened at HDFC bank, Linking Road Branch, Mumbai account number 50100035910270. Copies of Bank statements of the above-mentioned three accounts are annexed as **ANNEXURE-I, J AND K.**

T) The Petitioners submit that all the aforesaid funds were deposited in the said bank account for 'KHOJ' project and the Petitioners submit

that during the time the said amount for the project was deposited in the bank and some interest was incurred on the said deposits and in all the amount so available for the project was 1,42,23,797 (including bank interests).

U)The Petitioners submit that from the aforementioned amount allocated for the project Sabrang Trust utilized an amount of Rs. 1,36,31,686/- only was utilized and the remaining amount of Rs. 5,91,871/- was returned back to the HRD Ministry. A copy of the demand draft is annexed at **ANNEXURE-L.**

V) That the registered address of the Sabrang Trust is Nirant, Juhu Tara Road, Juhu, Mumbai - 400049.

W)The Petitioners say and submit that all accounts of Sabrang Trust were in Mumbai and a separate account was opened for HRD money as per their requirement. The account numbers have been detailed above.

X) The Petitioners submit that no meeting with any of the officials concerning KHOJ project ever took place in Gujarat.

Y) In short, the grant was for a project in Maharashtra, was released from Delhi, was paid in a separate account in Mumbai and was totally executed in Mumbai. The Gujarat police therefore has no jurisdiction to carry out this investigation.

Z) The Petitioners submit that none of the procedures, events, incidents concerning the HRD-funded project 'KHOJ' happened within the territorial jurisdiction of the State of Gujarat. Thus the Gujarat Police have no jurisdiction to enquire and investigate the said offence and the Gujarat Police ought to have transferred the FIR to the Mumbai Police or Delhi Police as the cause of action has never arisen in the State of Gujarat.

- iii) The Petitioners state that the Gujarat State Police registered an offence as informed by the first informant as provided under section 154 of the Code of Criminal Procedure. The Police Station at Ahmadabad City ought to have transferred the investigation to the Santacruz Police Station, Mumbai or Maharashtra Police or even the concerned police station in Delhi as it is prima facie and even otherwise evident that none of the incidents of which the first informant has complained of have occurred within the territorial jurisdiction of the State of Gujarat.
- iv) The petitioners would like to state that the entire matter is out of the jurisdiction of the Crime Branch, Ahmedabad. The matter relates to a project of the central government and at no time was operational in the state of Gujarat. Moreover, the educational project under the Ministry for Human Resources Development (MHRD) was for the period of 2010-2011 to 2013-14, in the state of Maharashtra alone and, though predictable, the zeal with which the Crime Branch Ahmedabad is pursuing the matter is a matter of shock and surprise to the Petitioners. The Petitioners wish to draw attention to two letters by Teesta Setalvad to Hon. Minister for MHRD, Shri Prakash Javdekar related to rumours and newspaper reports about the said criminal complaint (The copy of the latest letter is annexed along with the application as **ANNEXURE-M**).
- v) The Petitioners submit that the Petitioners apprehend that the Gujarat Police will not conduct a fair investigation in the said offence and the said offence will be investigated in a way that the Petitioner will be put to constant harassment and humiliation at the hands of the investigating officer which is evident from the conduct of the investigating officers in the present case. The Petitioners submit that the present offence was registered with the Respondent No.1 on 30.03.2018 at 10.00 pm and the



same was sent to the court around 10.15 pm on 30.03.2018 and immediately on 31/03/2018 a notice u/s 41A was served upon the Petitioners asking them to remain present on 01/04/2018 at 11:00 am for recording their statement.

- vi) The Respondent No.1 gets his power and authority to investigate any cognizable offence from section 156 of the Code of Criminal Procedure.

Section 156 contemplates that :-

*156. Police officer's power to investigate cognizable case.*

*(1) Any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII.*

*(2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.*

*(3) Any Magistrate empowered under section 190 may order such an investigation as above-mentioned.*

- vii) The Petitioners state and submit that Chapter XIII deals with the jurisdictions of courts to entertain trials. In the present case the relevant sections under Chapter XIII are :-

Section 178:- Place of inquiry or trial.

*(a) When it is uncertain in which of several local areas an offence was committed, or*

- (b) where an offence is committed, partly in one local area and partly in another, or*
- (c) where an offence, is a continuing one, and continues to be committed in more local areas than one, or*
- (d) where it consists of several acts done in different local areas, it may be inquired into or tried by a Court having jurisdiction over any of such local areas.*

*Section 181:-*

*Place of trial in case of certain offences.*

- (1) Any offence of being a thug, or murder committed by a thug, of dacoity, of dacoity with murder, of belonging to a gang of dacoits, or of escaping from custody, may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or the accused person is found.*
- (2) Any offence of kidnapping or abduction of a person may be inquired into or tried by a Court within whose local jurisdiction the person was kidnapped or abducted or was conveyed or concealed or detained.*
- (3) Any offence of theft, extortion or robbery may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or the stolen property which is the subject of the offence was possessed by any person committing it or by any person who received or retained such property knowing or having reason to believe it to be stolen property.*
- (4) Any offence of criminal misappropriation or of criminal breach of trust may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or any part of the property*

*which is the subject of the offence was received or retained, or was required to be returned or accounted for, by the accused person.*

*(5) Any offence which includes the possession of stolen property may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or the stolen property was possessed by any person who received or retained it knowing or having reason to believe it to be stolen property.*

Therefore, considering the provisions as prescribed under section 156, 178 and 181 (4) the grievance of the first informant could not have been enquired and tried by the local magistrate in Ahmedabad City as the cause of action has not arisen within his local limits hence the Respondent No.1 had no jurisdiction to investigate the said offence and ought to have transferred the said offence to Juhu Police Station, Mumbai or the Maharashtra Police or Delhi Police.

- viii) The Petitioner further states that in fact the present complaint has been filed by the first informant with the sole intention of harassing the Petitioners and is an outcome of vengeance and grudge which the first informant/complainant holds against the Petitioners. The Gujarat State Police in connivance with the first informant and with malicious intent is investigating the said offence despite the fact that the Ahmedabad Police has no jurisdiction to investigate the said offence.
- ix) The Petitioners state that the said allegations are being levelled against them by one the respondent no. 3 for purely malicious reasons and the same is devoid of any merit. The respondent no. 3 is a disgruntled ex-employee of Citizens for Justice and Peace, who was relieved of his duties and employment by Petitioner No.2 because of his dubious

conduct towards the victims of the riots for which Citizens for Justice and Peace was working. In order to seek vengeance, the respondent no. 3 has made various false and frivolous allegations against the Petitioners at the behest of the political parties in Gujarat.

- x) This campaign of Vendetta launched by former employee Raees Khan Pathan i.e., the respondent no. 3 herein, who went shopping for fora in various courts and filed about half a dozen applications making baseless allegations against Petitioner No.2. He has also given interviews stating his ambition is to get Petitioner No.2 arrested (Times of India, Ahmedabad December 2010). However, none of these allegations survived and in fact the Courts directed an enquiry against him. Time and again, the Courts of Gujarat and Maharashtra have granted protection to the Petitioners by way of Anticipatory Bail orders. Now the vilification of Petitioner No.2 has intensified and the same has been extended to her family members and organizations that she has been involved in. Meanwhile the Petitioners have been consistently exonerated of vile charges:-

Registrar General BM Gupta's Report of August 2005.

Sardarpura Special Court (Trial) Judgement of 9.11.2011.

Naroda Patiya Special Court (Trial) Judgement of 29.08.2012

Best Bakery Special Court Judgement (Trial) of February 2006 & Appeal dated 4.7.2012)

Further the Hon'ble Bombay High Court has held that Raees Khan has defamed Petitioner No.2 in a suit filed seeking damages for defamation. A table giving the details of the FIRs filed against Petitioner No.2 and their status is annexed hereto and marked as (ANNEXURE-N). The

Petitioners craves leave to produce copies of various orders granting the Applicants anticipatory bail.

The first informant i.e., the respondent no. 3 has sought to arraign the Petitioners in their capacity as trustees of Sabrang Trust which is registered in Mumbai and the activities carried out by the Trust pursuant to the release of the grants were also carried out in the State of Maharashtra with the sole intention to harass them.

- xi) The Petitioners further submit that the State of Gujarat has tried to file cases against the Petitioners through the respondent no. 3 several times and in all the cases the Hon'ble Court have granted relief to the Petitioners from being arrested. This further goes to show that the State of Gujarat was consciously chosen to register the FIR out of political vendetta despite the fact that the Gujarat Police has no jurisdiction to investigate the present complaint as no part of the cause of action arises in the State of Gujarat.

**(B) Quashing the offence registered as I/20/2018 with DCB Police Station, Ahmedabad City, Gujarat :-**

- (i) The Petitioners state and submit that as per the present FIR the Petitioners herein are being charged under Sections 120B, 153A, 153B, 406, 409 and 420 of the Indian Penal Code and Sections 13(1) (d) (i) and 13 (2) of the Prevention of Corruption Act.
- (ii) The Petitioners state that the First Informant in his FIR has added a vague and abrupt statement so as to falsely implicate the Petitioners under section 153A and 153B.

- (iii) The Petitioners state that section 153A and 153B fall in chapter VIII of the Indian Penal Code which deals with the offence against public tranquility.
- (iv) The Petitioners state that Section 153A deals with the offence of promoting enmity between different groups on the grounds of religion, race, place of birth, residence language etc. the Petitioners submit that a bare perusal of the FIR would reveal that the First Informant has not stated as to which literature and publication or part thereof of the project 'KHOJ' promotes enmity between different groups on the grounds of religion, race, place of birth, residence language etc. but for a plain unjustified statement.
- (v) The Petitioners submit that section 153B deals with imputations, assertions prejudicial to national interest. The Petitioners state that the First Informant does not specify as to which acts or assertions of the Petitioners are prejudicial to national integration. The First Informant makes a plain statement so as to include the offence defined under section 153A and 153B of the Indian Penal Code. The relevant statement in the FIR for adding section 153A and 153B is, "*.... would lead to animosity and hatred amongst different casts and religion. Moreover her allegations and statements on the judiciary and Indian constitution is detrimental to unity and integrity of the nation...*" The Petitioners submit that the allegation is made with the sole intention of causing harassment and mental agony to the Petitioners. In fact the Petitioners have championed the cause of upholding the constitutional rights of the victims of communal and sectarian violence while working rigorously in the field of human rights for over a decade.

Hence no offence under section 153A and 153B is made out against the Petitioners. No specifics concerning hate speech which would fall within 153A or Section 153B have been provided and on this ground alone the FIR requires to be quashed.

- (vi) The Petitioners submit that the Petitioners are also arraigned under Sections 13(1) (d) (i) and 13(2) of the Prevention of Corruption Act despite the fact that the Petitioners are not and were never public servants as per the definition of Public Servant as defined under section 2 ( c) of the Prevention of Corruption Act.
  - (vii) The Petitioners submit that the Petitioners have also been arraigned under section 406 and 409 of the Indian Penal Code
  - (viii) The Petitioners state that section 406 is penal section for offence defined under section 405 of the Indian Penal Code. Section 405 defines as to what constitutes as Criminal Breach of Trust. The Petitioners submit that Section 409 defines the offence of criminal breach of trust by public servant or by banker or merchant or agent.
  - (ix) The Petitioners at the outset state that an offence under section 409 cannot be instituted against the Petitioners as they are neither public servant nor banker nor merchant nor agent.
  - (x) The Petitioners state that even the offence under section 406 cannot be instituted against the Petitioners as the essential ingredients to constitute the said offence are not averred in the FIR. The Petitioners submit that the detailed procedure by which the funds/aid was approved by the HRD ministry and the accounts thereof have been mentioned herein above in the paragraphs No. 11
- (A) But at the cost of repetition the Petitioners are herein below

reiterating how the funds/grants were released and received by the Petitioners.

- xi) All procedures for release of funds/aid were followed. Sabrang Trust has been running an innovative and experimental educational programme in schools in Maharashtra since 1994. The trustees of Sabrang Trust therefore felt they were well qualified to apply for a grant under “The Scheme for Assistance for Experimental and Innovative Program for Education at the Elementary Stage, including Non-formal Education” of the Government of India. Accordingly, through a resolution of the Board of Trustees, in her capacity as Project Director of Khoj, Teesta Setalvad, the Petitioner No. 2 herein, was authorized to apply to the HRD Ministry in the prescribed format. The HRD ministry referred the proposal to NCERT for its scrutiny. Following the scrutiny NCERT concluded: “Recommended with the following modification: The proposal may be resubmitted by incorporating the observation about the viability of the project”. Following this, the ministry appointed a field investigation team (FIT) to visit Mumbai for an assessment of Sabrang Trust’s capacity to implement the proposal. Following the positive recommendation of the FIT, KHOJ project director was invited to present the proposal before the members of the Grants-in-Aid Committee (GIAC). A copy of the HRD inviting the project director to the meeting is annexed hereto as **ANNEXURE-O**. It is after this entire process, which stretched over nearly a year, was completed that, through its letters dated 13.1.2011, 3.2.2011, 24.02.2011 and 15.02.2011 (Copies annexed as **ANNEXURES- P, Q, R and S**) the HRD ministry communicated to Sabrang Trust its



decision for a grant to Sabrang Trust. Furthermore, the Petitioners categorically deny the allegation that NCERT gave a negative opinion: This is not true. The NCERT's report which was received from the HRD Ministry clearly states that the KHOJ Project proposal of Sabrang Trust is, "Recommended with the following modification: The proposal may be resubmitted by incorporating the observation about the viability of the project".

- (xii) The appointment to the CAGE Committee as an advisory expert on education and the recipient of a grant from MHRD are two distinct and separate issues which are in no way in conflict.
- (xiii) The Petitioners submit that in fact, the grants or aid released through three installments viz, Rs.58,72,500, Rs. 26,66,570 and Rs. 54,20,848 were deposited in the existing savings account of Sabrang Trust, account number 369102010037953 with the Union Bank of India, Juhu Tara branch, Mumbai. Since the terms and conditions of the grant required the opening of a separate account for the HRD Ministry's grant, an account with the name Sabrang Trust – HRD was opened with the same bank branch and the entire grant amounts received in Sabrang Trust account were promptly transferred to Sabrang Trust - HRD account number 369102010806781. All payments related to the KHOJ project only were made through the Sabrang Trust - HRD account. In January 2014, another savings account in the name of Sabrang Trust – HRD was opened with the HDFC Bank, Linking Road, Mumbai (account number 50100035910270). The Petitioners submit that they have never withdrawn any cash from the said accounts for their personal use and majority of the transactions have been made through cheques

only. This may be easily cross-checked with the bank statements detailed above. The Petitioners state that as regards the allegation about inquiry committee's report stating that grant was wrongly given to Sabrang Trust, Sabrang Trust was neither asked to appear before the inquiry committee nor was it given a copy of the report. It is for the HRD Ministry officials to respond to the allegation that the grant was wrongly given to Sabrang Trust. Utilisation certificates for each grant installment received, issued by a qualified Chartered Accountant, were submitted to the HRD Ministry, along with detailed report of activities and the schools where the KHOJ project was implemented, before the next instalment was received. Copies of Utilisation Certificates are **ANNEXURE T-1,T-2,T-3.**

The petitioners crave leave to produce the detailed activities reports, copies of which have already been submitted to the Crime branch, Ahmedabad, as and when called for by this Hon'ble Court.

- (xiv) Considering the facts and circumstance herein above referred no offence has been committed under section 406 of the Indian Penal Code. The Petitioners state that even the offence under section 420 of the Indian Penal Code is not made out and the Petitioners have given a clear and complete explanation regarding the procedure and process of release of funds/aids and the accounts thereof and hence offence under sections 406 and 420 cannot be established against the Petitioners.
- (xv) The Petitioners submit that the other allegation leveled against the Petitioners is of conspiring under section 120 B of the Indian Penal Code. The Petitioners submit that the act of criminal conspiracy is

defined under section 120 B of Indian Penal Code and the section 120B in the penal provisions.

- (xvi) The Petitioners submit that as defined under section 120 B of the Indian Penal Code an act by two or more persons to do an illegal act is termed as criminal conspiracy. The Petitioners state that as clarified above no illegality has occurred of releasing and receiving the funds/aid to the Petitioner for project 'KHOJ' and the entire fund or aid so received has been used as per the terms of agreement between the Petitioners and the HRD Ministry in fact the Petitioners have returned an amount of Rs. 5,91,871/- back to the HRD Ministry which was not utilized by the Petitioners for the project 'KHOJ'. Therefore, no case of either cheating, criminal breach of trust or criminal conspiracy can be established against the Petitioners and the entire narrative in the FIR is based on speculations and conjecture and imaginations of the First Informant.

12. The Petitioners states that in the present offence being Offence No. I/20/2018 with DCB Police Station, Ahmedabad City, Gujarat, the Petitioners approached the Hon'ble High Court at Bombay by filing an application for transit bail vide Anticipatory Bail Application No. 627 of 2018. The Hon'ble High Court vide its order dated 05/04/2018 allowed the application of the Petitioners herein and granted transit bail till 02/05/2018 and further directed the Petitioners herein to appear before the concerned officer on 06/04/2018 and a further direction to appear before the officer as and when required by the officer. A copy of the order dated 05/04/2018 is annexed hereto and marked as **ANNEXURE-U**

13. The Petitioners state that the State of Gujarat which was the first Respondent in the ABA Application NO. 627 of 2018 challenged the order dated 05/04/2018 passed by the Hon'ble High Court at Bombay before the Hon'ble Supreme Court vide SLP (Cri.) No. 3135 of 2018. The Hon'ble Supreme Court vide order dated 09/04/2018 not only confirmed the order passed by the Hon'ble High Court at Bombay but further extended the bail for the Petitioners upto 31/05/2018. A copy of the order dated 09/04/2018 passed by the Hon'ble Supreme Court is annexed hereto and marked as **ANNEXURE-V**.

**Malafides of the Investigation Agency**

14. The petitioners would like to state, that despite the harassment and intimidation persistently carried out by the Crime Branch, Ahmedabad, they have to the best of their ability cooperated with even this malafide investigation. Under directions of the Hon Bombay High Court both applicants appeared before the Crime Branch (April 6, 2018) and extended full cooperation without prejudice to their stand that the FIR and investigation is malafide and malicious. Thereafter applicant No 1 again appeared before the investigating agency on May 11, 2018 and answered all the questions put to him. Whatever else was required to be sent was also dispatched and sent. A copy of covering letter with a list of documents submitted to the Investigation Team on April 6, 2018 is annexed hereto as **ANNEXURE-W**. Enclosed herewith is a copy of the covering letter dated April 17, 2018 listing the documents (165 pages) hand-delivered to the Crime Branch, Ahmedabad on April 18, 2018. As also a copy of the covering letter dated May 12, 2018

listing the documents (104 pages) hand-delivered to the Crime Branch, Ahmedabad on May 14, 2018. It is clear therefore that no argument of non-cooperation with the investigation can be made out ANNEXURE –X is the copy of the letter dtd 17.4.2018 and ANNEXURE-Y to this petition is the copy of letter dtd. 12.5.2018.

15. The petitioners would like to further state the Hon'ble Bombay High Court first (April 5, 2018) and the Hon'ble Supreme Court thereafter (April 9, 2018) granted and extended the Transit Bail to both applicants clearly on the grounds that the matter in any case related to documentary evidence of accounts and therefore the pressing for custodial interrogation was not just unnecessary but against the established principles of law and jurisprudence. In any case, in the case of the applicants it is an invitation to custodial torture, given the animus against them. I say and submit that the motive of the Crime Branch is clear when matters of such clear political motivation are being used to demand, and demand repeatedly, custodial interrogation and incarceration. This further establishes the specific animus of the investigating agency against the petitioners.

16. In written contentions before the Sessions Court in the matter of opposing anticipatory bail, the IO has drawn in other malicious cases, in fact a string of them, to argue that anticipatory bail should be rejected in this matter. This argument goes against the grain of common law, natural justice and established principles. In fact as stated above, it becomes clear from the long list of cases that it has become the specific business of the Crime Branch to harass and intimidate the applicants, especially human rights defender,

Applicant No 2, Teesta Setalvad. For each of these assaults, the applicants have not shied away but faced the onslaught bravely, believing in the rule of law, justice and the Indian Constitution. Moreover, the applicants firmly state and contest this crude and malafide attempt by the Crime Branch of the Gujarat police to try and mislead the Courts to show us as habitual offenders when in fact the applicants have been at the forefront of ensuring justice for the weak and marginalised in the state. After 2014-14, while previously it was sections of the Gujarat police, similarly central agencies like the CBI were also deployed after the change of regime at the Centre and even this case is being faced with clarity and courage.

17. The allegation about huge amount being transferred in personal account of applicants and huge amount of cash withdrawn from those accounts and the same being used for false deposition is just not true. This allegation has been refuted in detail as under: The petitioners categorically and firmly deny that the grant amount was used individually and not for the purposes made in the grant. This allegation is mischievous and made with an intent to malign and frame the applicants. This is not the first time that the Crime Branch of the Gujarat police is conspiring to make such false allegations that are not borne out by facts or documents on record including bank statements etc. In fact, the three installments of the grant amounts viz, Rs.58,72,500, Rs. 26,66,570 and Rs. 54,20,848 were deposited in the existing savings account of Sabrang Trust, account number 369102010037953 with the Union Bank of India, Juhu Tara branch. Since the terms and conditions of the grant required the

opening of a separate account for the HRD Ministry's grant, an account with the name Sabrang Trust – HRD was opened with the same bank branch and the entire grant amounts received in Sabrang Trust account were promptly transferred to Sabrang Trust- HRD account number 369102010806781. All payments related to the KHOJ project ONLY were made through the Sabrang Trust - HRD account. This is also borne out by the bank statements as annexed and mentioned above. These are the monthly bank statements of Sabrang Trust (account no 369102010037953) for the months of February 2011, July 2012 and July 2013, when the grant installments were received. These clearly indicate that the same amounts were promptly transferred to Sabrang Trust- HRD account (no 369102010806781). Also annexed above are monthly bank statements of Sabrang Trust – HRD account number 369102010806781) for the period February 2011 to January 2014. The payments to various parties shown in the bank statements belie the claim that “most of the grant amount used individually and for other purposes”.

18. The petitioners moreover state that the allegation about grant amounts being transferred to personal accounts of Teesta Setalvad and Javed Anand are baseless and not bound by documentary evidence. This is clear from the payments detailed in the monthly bank statements of Sabrang Trust – HRD account. The petitioners, Teesta Setalvad and Javed Anand were paid a monthly honorarium as per the budgetary provision approved by the HRD Ministry and in accordance with the resolutions of the Trustees of Sabrang Trust. (ANNEXURE-Z)  
It is submitted that they received the honorarium amounts not by

virtue of their being trustees but in lieu of the executive responsibilities entrusted to them by the Trustees to act as Project Director (Teesta Setalvad) and Project Administrator (Javed Anand) of the KHOJ project. Other than this, they were reimbursed for expenses incurred by them on the activities of KHOJ.

19. The allegation regarding withdrawals of large amounts in cash is similarly baseless. It may be seen from the monthly bank statements annexed that cash was withdrawn from time to time only towards petty cash expenses. **In fact, over 90% of the payments were through cheques.**
20. Moreover, the applicants say and submit that the Crime Branch, Ahmedabad through an illegal order got the personal accounts of applicants frozen on January 20, 2014. Hence for the period under allegations and question, all details of the account are available with the investigating agency and there is nothing that the applicants can do until these are de-frozen. Why then is the investigating agency bent on further harassing and intimidating the applicants thus?
21. The allegation that the *transfer of Rs 24,50,000 from Sabrang Trust-HRD account in Union Bank of India account number 369102010806781 to Sabrang Trust-HRD account with HDFC bank, Linking road branch*: The amount was transferred from one Sabrang Trust – HRD account in Union Bank of India, Juhu Tara branch to another Sabrang Trust-HRD account with HDFC bank, Linking Road Branch, account number 50100035910270. The amount was transferred as per a resolution of the Board of Trustees of Sabrang Trust. Annexed hereto and marked as **ANNEXURE-AA**



is the copy of the HDFC bank statement and **ANNEXURE-BB** is the resolution of the trust.

22. That the Hon'ble Supreme court passed a judgment in the matter of Navin Chandra N. Majethia Versus State of Maharashtra & Other [(2000) 7 Supreme Court Cases 640] transferred the investigation conducted by the police from Shillong to the Mumbai though the FIR was registered there as the cause of action constituting the offence had occurred in Mumbai and none of it had taken place in Shillong. A copy of the judgment passed by the Hon'ble Supreme Court in the matter of Navin Chandra N. Majethia Versus State of Maharashtra & Other [(2000) 7 Supreme Court Cases 640] Annexed as **ANNEXURE-CC** are the copies of the above mentioned judgments. Being aggrieved by the action of the Respondents, the Petitioner seeks to approach the High Court in its jurisdiction under Article 226 on the following among other grounds which are without prejudice to each other:

- A) The grants/aid was released by the Ministry of Human Resource Development for the purpose of project 'KHOJ' undertaken by Sabrang Trust of which the Petitioners are founder members and secretary respectively.
- B) That the Petitioner No.2 on behalf of Sabrang had applied for 100% grant/aid for its 'KHOJ' project.
- C) The grants/aid released by the Ministry of Human Resource Development was released in favor of Sabrang Trust for their project 'KHOJ'.

- D) The 'KHOJ' project for which the grants/aid were being released was restricted to the territorial jurisdiction of the State of Maharashtra only.
- E) The beneficiaries of the project 'KHOJ' were 6000 students in 75 schools, which would include the 2000 students in 33 schools across Maharashtra where KHOJ classes were already being conducted.
- F) The Petitioner No 2 submit that whenever they were directed to make any presentations concerning 'KHOJ' project the same were presented by the Petitioner in the Delhi Office of Ministry of Human Resource Development.
- G) That the registered address of the Sabrang Trust is Nirant, Juhu Tara Road, Juhu, Mumbai - 400049.
- H) The Sabrang Trust conducts its business through its accounts in Union Bank of India, Juhu Tara branch and HDFC Bank, Linking Road branch, Mumbai, only.
- I) That for the purpose of receiving/utilising grants/aid from the HRD Ministry for the 'KHOJ' project, the Petitioners had opened a separate bank account named Sabrang Trust-HRD, being Account No. 369102010806781 with Union Bank of India at Juhu Tara, Mumbai branch and all the grant/aid received form Ministry of Human Resource Development was directly deposited in this account.
- J) That in all an amount 1,42,23,797 (including bank interest) was available for the project 'KHOJ' and the Petitioners through their Sabrang Trust utilized and amount of Rs. Rs. 1,36,31,686/- only and the remainder amount of Rs.

5,91,871/- was returned back to the Ministry of Human Resource Development.

- K) That none of the procedures, events, incidents concerning the project 'KHOJ' has ever happened within the territorial jurisdiction of the State of Gujarat.
- L) Thus the Gujarat Police have no jurisdiction to enquire and investigate the said offence and the Gujarat Police ought to have transferred the same to the Maharashtra Police or Delhi Police as the cause of action has never arisen in the State of Gujarat
- M) That the said allegations are being levelled against them by the respondent no. 3 herein, for purely malicious reasons. The respondent no. 3 is a disgruntled ex-employee of Citizens for Justice and Peace, who was relieved of his duties and employment by Petitioner No.2 because of his dubious conduct towards the victims of the riots for which Citizens for Justice and Peace was working. In order to seek vengeance, Raees Khan made various false and frivolous allegations against the Petitioners at the behest of the political parties in Gujarat.
- N) That the Crime Branch of the Gujarat Police will not conduct a fair investigation in the said offence and will be investigated in a way that the Petitioner will be put to constant harassment and humiliation at the hands of the investigating officer which is evident from the conduct of the investigating officers in the present case. The present offence was registered with the Respondent No.1 on 30.03.2018 at

10.00 pm and the same was sent to the court around 10.15 pm on 30.03.2018 and immediately on 31/03/2018 a notice u/s 41A was served upon the Petitioners asking them to remain present on 01/04/2018 at 11:00 am for recording their statement.

O) That in their oral statements while appearing before the investigation team of the Crime branch on 6.4.2018 (Teesta Setalvad and Javed Anand) and again on 11.5.2018 (Javed Anand) it was submitted that the HRD Ministry supported KHOJ project had nothing to do with schools or any other activity in Gujarat, that the field office of Citizens for Justice and Peace (CJP) in Ahmedabad (32, Opposite Vishvabharti school Shahpur Mill compound Shahpur Ahmedabad city) had nothing whatsoever to do with the project and not a rupee of the grant received from HRD Ministry was spent on the field office or the staff there.

The applicants reiterate that the only possible purpose behind the IO's false naming of CJP's Ahmedabad office as the scene of offence is to claim it had jurisdiction in not only filing the FIR but also proceeding with its politically motivated investigation.

P) That the Hon'ble Supreme court passed a judgment in the matter of Navin Chandra N. Majethia Versus State of Maharashtra & Other [(2000) 7 Supreme Court Cases 640] transferred the investigation conducted by the police from Shillong to the Mumbai though the FIR was registered there as the cause of action constituting the offence had occurred in

Mumbai and none of it had taken place in Shillong. A copy of the judgment passed by the Hon'ble Supreme Court in the matter of Navin Chandra N. Majethia Versus State of Maharashtra & Other [(2000) 7 Supreme Court Cases 640]

- Q) That the Crime Branch, Ahmedabad is investigating the said offence with malice and with an intention to cause harassment and humiliation to the Petitioners. That the said act of the Respondent No.1 to investigate the said offence is without any sanction of law and is in contravention of the provisions of Code of Criminal Procedure.
- R) That neither the offences as arraigned in the FIR are made out nor can be established in the court of law.
- S) That all allegations made by the First Informant are figments of his imaginations and outcome of his imagination, speculation and conjecture.
- T) That the entire procedure of filing the present FIR and the investigation is nothing but a feeble attempt to deter the Petitioners from continuing from fighting for upholding the constitutional rights of the victims of communal and sectarian violence.
- U) That the said act of the Respondent No.1 to investigate the said offence is in contravention of the fundamental rights as enshrined in Article 14 and 21 of the Constitution of India.
- V) That the said acts of the Respondent No.1 to investigate the said offence are arbitrary, illegal and bad in law.
23. The Petitioners submit that they have not filed any other petition in respect of the present issue before this Hon'ble

Court or the Supreme Court of India.

24. The Petitioners are residents of Mumbai and the cause of action has arisen within the Criminal Appellate Side Jurisdiction of this Hon'ble Court, hence, it can admit the petition and hear it.
25. The Petitioners state that they have no other alternative efficacious remedy but to approach this Hon'ble Court and the relief as prayed for if granted shall be complete.
26. The Petitioners will rely on documents a list whereof is annexed hereto.
27. The petitioners have not filed any application in this subject matter either before this Hon'ble Court except applications for anticipatory bail or transit bail. The anticipatory bail being Misc. Cri. Application No.10200/2018 is pending before this Hon'ble Court while Misc. Application No 627/2018 was disposed of before the Bombay High Court, being a transit bail application and Special Leave to Appeal (Crl) No. 3135/2018 pertaining to the transit bail disposed by the Hon'ble Supreme Court.
28. The Petitioner prays as under:
  - a) The Hon'ble Court may be pleased to issue appropriate writ, order or direction thereby quashing the offence registered as I/20/2018 with DCB Police Station, Ahmedabad City, Gujarat in the interest of justice;.
  - b) In the alternative to prayer (a) above, the Hon'ble Court may be pleased to issue appropriate writ, order or direction thereby directing the Respondent No.1 to transfer the

investigation into offence registered as I/20/2018 with DCB Police Station, Ahmedabad City, Gujarat, from Ahmedabad City Police Station to Santacruz Police Station or Delhi Police for further investigation;

- c) Pending hearing and final disposal of the Petition stay the further investigation concerning offence registered as I/20/2018 with DCB Police Station, Ahmedabad City, Gujarat, pending admission, and / or final disposal of this petition in the interest of justice;
- d) For ad-interim reliefs in terms of prayer clause (c);
- e) For costs of this petition,
- f) For such other and further order as this Court deems fit in the facts and circumstances of this case.

AND FOR THIS ACT OF KINDNESS AND JUSTICE, THE  
APPLICANT, AS IN DUTY BOUND, SHALL FOR EVER PRAY.

KALPESH N. SHASTRI

Advocate for the petitioners

## AFFIDAVIT

I Javed Ana

nd, s/o Iftexhar Ahmed, aged 68, residing at Nirant, Juhu, Mumbai,

Applicant No.1 herein, do hereby solemnly affirm and state as under:-

I state that whatever has been stated in paragraph No.1 to 27 is true to my knowledge and information and are statement of facts and Paragraph 22 contains legal submissions which are incorporated in the application upon legal advice. It's Para 28 contains the prayer clause. Its annexures are true photocopies/ typed copies of the originals and I certify them to be such true copies.

Solemnly affirmed at Mumbai on this 10th day of June 2018.

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Deponent

Identified by me,

Explained by me