

SSK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 285 OF 2015

Anita Shankar PatelPetitioner
versus
The State of Maharashtra and ors.Respondents

Ms. Ratna R. Jaiswal, advocate for the petitioner.
Mr. K. V Saste, APP for the State.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 14th JULY, 2015.

P.C.:

Heard Ms. Jaiswal, learned counsel for the petitioner and
Mr.Saste, learned APP for the State.

2. The petition is filed for the following relief :

“(a) That this Hon'ble Court be pleased to issue appropriate writ and to order and direction to the Oshiwara Police Station i.e. the Respondent No.2 to investigate the matter under section 156(3) of Cr.P.C.,1973 and further direct to register the case against the Respondents No.3 & 4 under sections 406, 420, 467, 468 and 506 (II) of the Indian Penal Code, 1908;”

3. Learned counsel for the petitioner stated that prior to filing of the petition, the petitioner already filed a private complaint before the magistrate, and during the pendency of the petition, the magistrate has

already proceeded under section 200 of the Code of Criminal Procedure, 1973. Under section 202 of the Code of Criminal Procedure, 1973, learned Magistrate can either inquire into the case himself or direct investigation into the case to be made by police officer/ or by such other person as he thinks fit, for the purpose of deciding whether or not there is sufficient ground for proceeding. Since the magistrate is already seized of the matter, we are not inclined to entertain the petition and the same is, accordingly, dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)