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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1164 OF 2015

Ramesh KisaniPetitioner
versus
State of Maharashtra and ors.Respondents

Mr. Ayaz Khan with Ms. Zehra Charania, advocate for the petitioner.
Mrs. P. H Kantharia, APP for the State.

CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.

DATED : 10th APRIL, 2015.

P.C.:

By this petition, the petitioner is seeking direction to respondents to register FIR against Roniec Vats for offences under sections 383, 386, 504, 506, 506(II) of the Indian Penal Code, 1860 and under section 66A of the Information Technology Act, 2000 on the basis of his complaint, a copy of which is annexed at "Exhibit 4" Page 31.

2. Learned APP, having taken instructions from the concerned officer, submits that the police have already looked into the contents of the complaint and registered non-cognizable offence. Mr. Khan, learned counsel for the petitioner submits that the offence under Section 506(II) is cognizable offence. He relied upon a notification to that effect issued by the State of Maharashtra. Mr. Khan, however, does not dispute that the

issue whether offence under Section 506(II) is cognizable or non-cognizable is pending before the Full Bench. In these circumstances, at this stage, we do not want to enter into the said controversy. The petitioner has an alternative remedy to approach the learned magistrate and file a private complaint. We are, therefore, not inclined to interfere with the writ petition. The writ petition, accordingly, stands dismissed.

3. In the event, the petitioner files a private complaint, the same shall be disposed of expeditiously.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)