

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1235 OF 2015

Mrs. Rekha Premkant Jha. ..Petitioner.
Versus
Sushil V. Jha and Others. ..Respondents.

Mr. V. B. Tiwari for the Petitioner.
Mrs. M. H. Mhatre, learned APP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
Date : **April 22, 2015.**

P. C. :

1. By this writ petition, the Petitioner is seeking
following reliefs :

- “(a) By appropriate writ, order or direction this Hon'ble Court be pleased to direct Respondent No. 4 – Senior Inspector of Police, Kanakia Police Station, Mira Road, Thane 401 107 to evict Respondent No. 1 and 2 flat No.008/E situated on Ground floor, Ambar CHS Ltd, Naya Nagar, Haidari Chowk, Mira Road East, Dist. Thane – 401 107 and hand over the possession of the said flat to the Petitioner.
- (b) By appropriate writ, order or direction this Hon'ble Court be pleased to direct Respondent No. 4 – Senior Inspector of Police, Kanakia Police Station, Mira Road, Thane 401 107 to register an FIR against Respondent No. 1 and 2 as per complaint dated 31st December 2014 and investigate the same in accordance with law.
- (c) By appropriate writ, order or direction this Hon'ble Court be pleased to direct Respondent No. 4 – Senior Inspector of Police, Kanakia Police Station, Mira Road, Thane 401 107 to provide adequate police protection to the Petitioner and her family members.”

2. Undisputedly, the relief claimed in prayer clause (a) cannot be granted in exercise of powers under Article 226 of the Constitution of India. Insofar as prayer clause (c) is concerned, the Petitioner is at liberty to approach the Commissioner of Police, Thane with an application. If such an application is made, Commissioner of Police Thane shall take appropriate decision on the same in accordance with law, at the earlier possible. So far as relief claimed in prayer clause (b) is concerned, we find that the Petitioner has not filed any complaint but has given a notice through an Advocate. Police are not expected to register the offence on the basis of Advocate's notice. It would be appropriate for the Petitioner, if she so desires, to file a complaint before the In-charge of concerned Police Station. If the Petitioner files such complaint, the police is bound to look into it and take appropriate decision in accordance with law and communicate the same to the Petitioner within 7 days of filing of complaint.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]