

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1803 OF 2014

Shivram Digambar Karkhanis.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. A. D. Sarwate for the Petitioner.

Mr. J. P. Yagnik, learned APP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **February 17, 2015.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties. The petition is filed for direction to Maval Police Station to register an FIR on the basis of the Petitioner's complaint.

2. Mr. Yagnik, learned APP for the State submitted that the Petitioner's complaint was enquired into and police came to the conclusion that dispute between the parties is of civil nature and accordingly the Petitioner was informed. Learned Counsel appearing for the Petitioner disputed that said information was given to the Petitioner. However, he does not dispute that decision was taken by the police that dispute between the parties is of civil nature.

3. The Petitioner thereafter filed a private complaint in the Magistrate's Court. The Magistrate took cognizance of the offence and issued process against the accused persons.

At the request of the Petitioner-Complainant, the Magistrate called for the papers of enquiry from the Police Station. Police accordingly submitted the papers to the Magistrate's Court.

4. The Magistrate having taken cognizance of the offence under section 204 of the Code of Criminal Procedure, 1973, it is not possible for us to direct the police to register an FIR in respect of the same cause of action or offence. In that view of the matter, no interference at the hands of this Court is warranted. Writ petition is, therefore, dismissed.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]