

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4216 OF 2014

Arun Suresh Shinde.

..Petitioner.

Versus

The State of Maharashtra & Anr.

..Respondents.

Ms. Sartaj Shaikh for the Petitioner.

Mrs. M. H. Mhatre, learned APP for the State.

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

Date : **April 9, 2015.**

P. C. :

1. Heard. The petition is filed seeking direction to Respondent No. 2 to register an FIR against the persons named in the complaint.

2. Learned APP for the State, having taken instructions from the concerned police officer, who is present in the Court, submitted that statement of the Petitioner has been recorded pursuant to the complaint given by him and preliminary enquiry has been conducted and in the preliminary enquiry, it has been found that the dispute between the parties is of civil nature. She submitted that unfortunately the outcome of the preliminary enquiry is not yet intimated to the Petitioner.

3. To this, learned Counsel appearing for the Petitioner submitted that during this alleged enquiry, the Petitioner was not

given an opportunity to produce documents in support of his allegations as contained in the complaint and statement.

4. In these circumstances, without going into merits of the matter, we deem it fit to afford an opportunity to the Petitioner to produce the documents before Respondent No.2 and direct Respondent No.2 to consider those documents and thereafter arrive at appropriate decision in accordance with law. In that view of the matter, we dispose of the writ petition with the following directions :

- [1] The Petitioner is at liberty to approach Respondent No.2 Senior Inspector of Police, N. M. Joshi Marg Police Station, Mumbai and tender the documents in support of his complaint and statement.
- [2] If within 7 days from today, Petitioner submits documents as stated above, Respondent No.2 shall look into the allegations and grievance of the Petitioner as reflecting in the complaint and statement and arrive at appropriate decision.
- [3] At any rate, Respondent No.2 shall complete the whole exercise and communicate his decision to the Petitioner within 7 days of receipt of documents from the Petitioner.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]