

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.79 OF 2015

Amit D. Mepani

..Petitioner

Vs.

P. I. Shri Rajesh P. Kevle and Another

..Respondents

Mr. Amit Dhahnaji Mepani, Petitioner in-person.

Mrs. A. S. Pai, APP, for the Respondent State.

CORAM :- **SMT. V. K. TAHILRAMANI AND
SHRI. B. P. COLABAWALLA, JJ**

DATE :- **MAY 7, 2015.**

P. C.:

Heard. The Petitioner has approached this Court praying that action under Contempt of Court Act, 1971 be taken against Respondent No.1 i.e. P. I. Shri Rajesh P. Kevle of Pant Nagar Police Station, Ghatkopar (E), Mumbai.

2 It is the case of the Petitioner that he had preferred Criminal Application No.611 of 2014, seeking police action against one Bhaskar Upadhyay for performing black magic on

the Petitioner. Thus, the grievance of the Petitioner is that, though black magic has been performed on him and the complaint was made by him to the Ghatkoper, Police Station, but no offence has been registered by the said Police Station.

3 In Criminal Application No. 611 of 2014, this Court by order dated 23rd July, 2014 directed the Applicant (present Petitioner) to approach the Senior P. I. of Pant Nagar Police Station and file a written complaint to him. The Senior P. I. of the said Police Station shall thereafter take action in accordance with law. Pursuant to the said direction, the Petitioner went to the Pant Nagar Police Station, however, his grievance is that, Respondent No.1, the officer of the concerned Police Station did not register his FIR, hence according to the Petitioner, Respondent No.1 has committed contempt.

4 The Report/say filed by Respondent No.1 shows that he had conducted preliminary enquiry in the said case and he has recorded the statements of witnesses including the statement of Sunil Mepani, who is the brother of the Petitioner. After conducting preliminary enquiry, it was found that there

was no material to lodge FIR, hence, FIR has not been registered. The say/Report is taken on record and marked as "X" for identification.

5 It cannot be said that the investigating agency including Respondent No.1 has not taken any steps in relation to the complaint made by the Petitioner and it cannot be said that there is any violation of the order dated 23rd July, 2014 passed in Criminal Application No.611 of 2014. Hence, no case of contempt is made out against Respondent No.1.

6 The Contempt Petition stands disposed of.

[SHRI. B. P. COLABAWALLA, J.] [SMT. V. K. TAHILRAMANI, J.]