

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 691 OF 2016

Robert D'Souza & Ors. .. Petitioners

Vs.

St. Joseph Church Trust & Ors. .. Respondents

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Mr. Aniket Nikam a/w. Mr. Sunil Lahane and Ms. Neetha Verghees i/b. M/s. Goldenbrack Legal, Advocate for the Petitioners.

Mrs. Sangeeta Shinde, APP for Respondent – State.

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**CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.**

DATED : AUGUST 22, 2016.

P.C. :

Petitioners are seeking direction to register FIR on the complaint dated 31st December, 2015 lodged by petitioners.

2 Learned counsel appearing for petitioners placed on record report submitted by Inspector from the Trust, Charity Commissioner's office. The Deputy Charity Commissioner had endorsed the said report and directed to initiate inquiry.

3 Learned APP submits that on the allegation of threat being given to the petitioners an offence has been registered being C.R.No.196 of 15. But on the other allegations, prosecution is of the view that proceedings under the Trust Act is pending and that non cognizable offence is registered.

4 We have perused the record placed before us. In the facts, we are not inclined to issue directions as prayed for by the petitioners under the writ jurisdiction of this Court. The record reflects that the Charity Commissioner's office is seized of the matter regarding allegations made by the petitioners against certain person, incharge of the affairs of the trust.

5 Inspite of this if petitioners still desire that criminal prosecution is necessary to be initiated then in the facts of the case, we may observe that petitioners may resort to appropriate alternate remedy as prescribed under the Code of Criminal Procedure.

6 By keeping all issuing on merits open, writ petition is disposed of.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)