

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1590 OF 2016

Salim Noor Mohd. Shaikh	Petitioner
versus	
The Senior Inspector of Police & others	Respondents

Mr.Imran M. Sheikh for Petitioner.

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

Mr.Rishi Bhuta i/by Ms.Seema Singh for Respondent no.3.

CORAM : N.H.PATIL AND PD.NAIK, JJ.

DATE : 6th June 2016

PC :

1. The Petitioner's grievance is that the flat owned by him has been forcibly possessed by his wife, against whom a dispute is already going on in the Family Court. The Petitioner is residing at Ghatkopar in another flat. Learned counsel appearing for the Respondent-Wife submits that the allegations made by the Petitioner are not correct. A civil suit has already been filed by the Respondent-Wife in respect of possession of the said flat and the civil suit is now posted on 10 June 2016.

2. In the facts we find that the Civil Court would address the issue of lawful possession of the said flat. In case the Petitioner still desirous to initiate criminal proceedings and

appropriate procedure or remedies prescribed under the Code of Criminal Procedure, 1908, he is free to do so. We do not express any opinion on merits. Keeping open all issues on merits, we dismiss the petition.

(PD.NAIK, J.)

(N.H.PATIL, J.)

MST