

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**WRIT PETITION NO. 1972 OF 2014**

Ramesh Lalji Gajra.

..Petitioner.

Versus

Ghisulal C. Jain and Others.

..Respondents.

Mr. S. P. Kadam for the Petitioner.

Ms. S. D. Shinde, learned APP for the State.

Coram : RANJIT MORE &  
S. C. GUPTA, JJ.

Date : **January 21, 2016.**

P. C. :

1. By this writ petition, the Petitioner is seeking direction for holding an enquiry under section 340 of the Code of Criminal Procedure, 1973 and registration of a complaint against Respondent No.1 and 2 for the offence punishable under sections 193, 196, 199, 200, 209, 211, 425 and 426 read with 34 of the Indian Penal Code, 1860.

2. The brief background : Respondent Nos.1 and 2 had filed a writ petition [W.P. No. 1193 of 2012] in this Court seeking directions to take cognizance of the complaint made by them to Vashi Police Station vide their letter dated 9<sup>th</sup> February 2012. This

Court by the order dated 26<sup>th</sup> April 2012 disposed of the said writ petition by directing Vashi Police Station to record the statement of the Respondents and if such statement discloses the commission of cognizable offence, to register an FIR. Liberty was given to Respondent No. 1 and 2 to approach the Court, in case of any adverse order by Vashi Police Station. Vashi Police Station did not take cognizance or register the FIR. Respondent Nos. 1 and 2, therefore, filed another writ petition in this Court, being Writ Petition No. 3040 of 2012. The second writ petition was disposed of by this Court on 11<sup>th</sup> December 2012, observing that Respondent Nos.1 and 2 have the remedy available to approach the Magistrate, as the police have filed report stating that the dispute is of civil nature.

3. The grievance of the Petitioner in the present writ petition is that in the second writ petition, i.e., Writ Petition No. of 3040 of 2012, Respondent No. 1 and 2 in paragraph 10 made a false statement that in Writ Petition No. 2914 of 2011 this Court has directed the police authorities to take cognizance of the matter.

4. We do not find any reason to proceed further in this writ petition and exercise the powers under section 340 of the Code of Criminal Procedure, 1973, inasmuch as the cognizance of the complaint made by Respondent Nos.1 and 2 was not taken by the police. Mr. Kadam, learned Counsel appearing for the Petitioner does not dispute that Respondent Nos.1 and 2 had filed private complaint and that complaint is also dismissed. We want to put an end to litigation between the parties. Hence, this writ petition is dismissed.

**[S. C. GUPTE, J.]**

**[RANJIT MORE, J.]**