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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

WRIT PETITION NO. 3798 OF 2015

Mr. Harsh Kumar Srivastava

.. Petitioner

Versus

Mrs. Neha Harsh Srivastava @ Neha Tiwari and Ors.. Respondents

Mr. R.H. Barge for the petitioner.

Mr. Yusuf Khan i/by Anjali Awasthi for respondent no. 1/complainant.

Mrs. M.M. Deshmukh, APP for the State.

**CORAM : NARESH H. PATIL AND
A. M. BADAR, JJ.
DATED : APRIL 01, 2016.**

P.C.

1. Petitioner seeks to challenge the First Information Report registered with Powai Police Station bearing CR No. 627 of 2013 and Criminal Proceedings bearing C.C.No.2099/2014 pending before the Metropolitan Magistrate, 66th Court, Andheri, Mumbai. Learned counsel for the Petitioner submits that the respondent/complainant had suppressed that she was already married before getting married with the petitioner. A complaint alleging 'bigamy' was also filed in which process was issued by the trial court. Learned counsel has drawn our attention to the

Judgment delivered on 25th June, 2014 in Petition No. B-92 of 2008 filed for partition of properties between the parties which is annexed at page 168 of the petition. Learned counsel therefore, submits that the complaint is baseless and is filed to harass the petitioner.

2. Learned counsel for the respondent submits that the issue raised by the petitioner cannot be decided in the proceedings of writ petition. It requires leading of evidence and appreciation of evidence by an appropriate forum.

3. From the records placed before us, the contesting parties have raised several issues. It seems that the parties are litigating multiple proceedings, civil as well as criminal. In the facts, we are not inclined to exercise our extra ordinary writ jurisdiction to interfere in the matter. Petitioner will be at liberty to resort to appropriate alternate remedy as prescribed in the Code of Criminal Procedure as the chargesheet is already filed. In case, petitioner prefers such proceedings, the trial court shall deal with the same as expeditiously as possible, on its own merits. Petition is disposed of.

(A.M. BADAR,J.)

(NARESH H. PATIL, J.)