

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3547 OF 2016

Shankar Khanchandai.

..Petitioner.

Versus

State of Maharashtra

..Respondent.

Mr. A. M. Sarogi for the Petitioner.

Mr. J. P. yagnik, APP for the State.

Coram : Ranjit More &

Dr. Shalini Phansalkar-Joshi, JJ.

Date : **December 21, 2016.**

P. C. :

1. Heard Mr. Sarogi, learned Counsel appearing for the Petitioner and Mr. Yagnik, learned APP for the state. The petition is filed seeking directions to the Respondent police to forthwith take cognizance of Petitioner's complaint dated 23rd September 2016.

2. We have gone through the said complaint. The main allegations of the Petitioner are against the husband and in-laws of her daughter. The Petitioner has alleged that his daughter was married with Anshul Vikram Kalra on 21st December 2008, after marriage both of them went to USA. It is further alleged that somewhere in January 2011, the Petitioner's son-in law and daughter along with their minor son came back to India. the Petitioner was represented that his daughter is brought back to India for the purpose of proper care. The Petitioner's son-in-law thereafter went back to USA and never bothered to return to

India.

3. In pursuant of the said complaint of the Petitioner, Kapurbawadi Police Station has recorded the statement of the Petitioner on 29th November 2016. In this statement, the Petitioner has categorically stated that he does not want to proceed against his son-in-law and parents of his son-in-law. He has also stated that he is only interested in getting the amount which his son-in-law has received by selling his house.

4. In the light of said statement, FIR was not registered. Mr. Sarogi, learned Counsel appearing for the Petitioner, on instructions, disputed the said statement. He admits the signature of the Petitioner below the said statement however he submitted that the said statement was recorded without the Petitioner's knowledge. He submitted that the Petitioner does not understand Marathi but the said statement is in Marathi. The statement itself shows that the same was explained to the Petitioner in Hindi.

5. In above circumstances, we are not inclined to entertain this writ petition especially when the Petitioner has an alternate remedy to adopt appropriate proceedings including that of approaching the concerned Magistrate.

[Dr. Shalini Phansalkar-Joshi, J.]

[RANJIT MORE, J.]