

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

CRIMINAL WRIT PETITION NO.4088 OF 2015

Radhika Murli Kukreja & Anr.	.. Petitioners
Vs.	
The State of Maharashtra & Ors.	.. Respondents

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Mr. Pankaj D. Purway, Advocate for the Petitioners.
Ms. G.P. Mulekar, APP for Respondent – State.
Mr. S. D. Mogre, Advocate for Respondent Nos. 4, 5 and 6.

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

DATED : AUGUST 22, 2016.

P.C. :

Petitioners' grievance is that inspite of informing police of commission of a cognizable offence, police did not register FIR. It is submitted that statement of petitioner no.1 was recorded by police on 3rd December, 2013.

2 Learned counsel for the petitioners submits that in view of the Apex Court Judgment in the case of ***Lalita Kumar Vs. Government of Uttar Pradesh and Ors.***¹ necessary directions be issued to register FIR.

¹ (2008) 7 SCC 164

3 Learned counsel appearing for respondent nos.4, 5 and 6 submits that in view of following judgments, petitioners have alternate efficacious remedy under the Code of Criminal Procedure:

1 *Aleque Padamsee & Ors. Vs. Union of India & Ors.*²

2 *Sakiri Vasu Vs. State of Uttar Pradesh & Ors.*³

3 *Kunga Nima Lepcha & Ors. Vs. State of Sikkim & Ors.*⁴

4 *Panchabhai P. Butani & Ors. Vs. State of Maharashtra & Ors.*⁵

5 *Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhage & Ors.*⁶

Learned counsel therefore submits that no interference is warranted under extraordinary writ jurisdiction of this Court.

4 Learned APP submits that by communication dated 18th January, 2014 on getting the Law Officer's opinion, police informed petitioners that there is no case made out for registering an offence under Sections 420, 406 of the IPC. Investigating agency has made observations to indicate that proceedings under Section 138 of the Negotiable Instruments

2 (2007) 6 SCC 171

3 (2008) 2 SCC 409

4 (2010) 4 SCC 513

5 2010 (1) M.H.L.J. 421

6 (2016) 7 SCC 277

Act, 1881 was advisable. Without expressing any opinion on merits, we observe that petitioners may resort to alternate efficacious remedy as prescribed under Cr.P.C.

5 By keeping keeping all issues on merits open, writ petition is disposed of.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)