

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4753 OF 2015

Mr. Deepak Kavadia	..Petitioner
Versus	
Senior Inspector of Police and anr.	..Respondents

Mr. Ashok Bhatia i/b. Mr. Rishi Bhuta, advocate for the petitioner.
Mr. J. P. Yagnik, APP for the State.

CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.
DATE : 9th FEBRUARY, 2016.

P. C. :

Heard learned counsel for the petitioner and learned APP
for the State.

2. The petition is filed seeking direction to respondent No.1 to consider the complaint dated 28th July, 2014 filed by the petitioner and register the FIR.

3. Mr. Yagnik, learned APP having taken instructions from the officer concerned stated that the petitioner's said complaint was inquired into and the concerned officer came to the conclusion that there is no substance in the said complaint and, accordingly, the same was filed. The petitioner was, accordingly, informed by communication dated 21st April, 2015. This communication itself is annexed at page 63 – "Exhibit J".

4. In the above circumstances, the petitioner has an alternative efficacious remedy of filing a private complaint before an appropriate forum. This Court is, therefore, not inclined to exercise the jurisdiction conferred upon it under Article 226 of the Constitution of India. The writ petition, accordingly, stands dismissed.

5. It is expressly made clear that this Court has not gone into the merits of the matter and all rights and contentions of the respective parties are kept open.

6. In the event, the petitioner prefers a private complaint, the same shall be disposed of independently and in accordance with law.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]