

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 93 OF 2017**

Mr. Rafi Ahmed H. Chaudhary	Petitioner
vers	
The State of Maharashtra through	
Inspector Incharge, Saki Naka Police Station	Respondent

Mr. Ashok M. Saraogi, advocate for the petitioner.
Mrs. Aruna S. Pai, APP for the State.

**CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.**

DATE : 11th APRIL, 2017.

P. C. :

Heard Mr. Saraogi, learned counsel for the petitioner and
Mrs. Pai, learned APP for the State.

2. The petition is filed seeking direction to the respondent to take cognizance of the petitioner's complaint dated 2nd January, 2017, a copy of which is annexed at "Exhibit A", page 10.

3. We have perused the complaint. The complainant has stated therein that he is the owner of the property admeasuring 28 Acres situated at NH8, Village Nandigram, Taluka Umbergam, Bhilad, District – Valsad, Gujarat bearing survey Nos.28/5, 28/3/4, 28/4/5, 29/1, 29/3/4,

64/2, 81 and 83. The complaint further shows that there was civil litigation in respect of the subject property and complainant has succeeded in the litigation against one Mr. Yusuf Mohammed Yasin Shaikh. He further stated that one Mr. Izhar Abdul Hamid Shaik and his close aide Mr. Nilesh Desai, residents of District Valsad, Gujrat and Chanod, Vapi, respectively, since last few months are approaching him regularly and demanding an amount of Rs.10,00,00,000/- (Rupees Ten Crores Rupees Only) or transfer 5 acres of land from the above said property. He has also stated that on 11th August, 2016 at 2.30 p.m., he received telephone call from a person on his mobile through an ISD number who himself claimed to be belonging to underworld and had called him on instruction of Mr. Nilesh Desai and Mr. Izhar Abdul Hamid Shaikh and had abused and threatened him of extreme dire consequences, if he fails to meet the demands made by Mr. Izhar Abdul Hamid Shaikh.

4. So far as the first incident is concerned, learned APP on instructions stated that CR No. I-04/2017 is registered by Bhilad Police Station, Gujarat on 4th February, 2017 for the offence punishable under Section 385 of the Indian Penal Code, 1860. So far as the second incident dated 11th August, 2016, is concerned NC Case No. 831 of 2017 is registered under Sections 504 and 507 of the Indian Penal Code, 1860.

5. The petitioner has not disclosed that regarding threat and demand of Rs.10,00,00,000/-, he has already filed complaint before Bhilad Police Station and that in pursuance of the complaint, the FIR was registered. As regards the incident dated 11th August, 2016 viz. threat and abuse given to the petitioner is concerned, the police have rightly registered NC complaint. The petitioner is always at liberty to approach the magistrate by way of private complaint. By prayer (b), the petitioner has asked respondent to protect his and his family member's lives. The petitioner, in this regard, can always approach the appropriate authority with appropriate application. In the event such an application is made before the appropriate authority, the same shall be disposed of independently on its own merits.

6. Subject to the above, the petition stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]