

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

**WRIT PETITION NO. 250 OF 2017**

|                                 |     |             |
|---------------------------------|-----|-------------|
| Pankaj Prabhudas Mehta          | ... | Petitioner  |
| V/s.                            |     |             |
| The State of Maharashtra & Ors. | ... | Respondents |

Mr.Dilip Bodake, Advocate for the Petitioner.  
Mr.J.P. Yagnik, APP for the State.

**CORAM : RANJIT MORE &  
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

**DATE : 16<sup>th</sup> MARCH, 2017.**

**P.C. :**

1] Heard.

2] This petition is filed for seeking direction to register the FIR on the basis of the Petitioner's Report dated 17/10/2016 and 04/12/2016.

3] Mr.Yagnik, learned APP, on instructions, states that said Report was looked into and preliminary enquiry was made and conclusion was arrived that the dispute raised in the said Report is of civil nature. That decision was accordingly communicated to the Petitioner also.

4] In the above circumstances, we are not inclined to entertain this Writ Petition in exercise of jurisdiction under Article 226 of the Constitution of India especially when the Petitioner have an alternate efficacious remedy to approach Magistrate by way of private complaint. The Petition is, accordingly, dismissed.

5] It is expressly made clear that in the event the Petitioner approaches learned Magistrate by way of private complaint, learned Magistrate shall dispose of the same independently on its own merits and in accordance with law. This order should not be construed as expression of anything on merits.

**[DR.SHALINI PHANSALKAR-JOSHI, J.]**

**[RANJIT MORE, J.]**