

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

**CRIMINAL APPLICATION NO.51 OF 2017
IN
CRIMINAL WRIT PETITION NO.4143 OF 2016**

Mr. Harinath Shivnandan
Vishwakarma & Anr.

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Pankaj Dwivedi for the Applicant.

Mrs. A.S. Pai, APP for the Respondent -State.

Mr. S.B. Pole, PSI, Varsova Police Station, is present.

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

DATED: 2nd MAY, 2017.

P.C.:-

Heard the learned counsel for the Applicant and the learned
APP for the Respondent -State. The Application is filed for following
reliefs:

- “(a) This Hon'ble Court be pleased to direct respondent, Versova Police Station to comply with the statement made by the learned A.P.P. on 14th December, 2016 before this Hon'ble Court pursuant to the complaint dated 21st November, 2016 and to communicate the decision to the applicants.
- (b) The respondents be further directed to register F.I.R. pursuant to complaint dated 21st November, 2016.
- (c) Any other further relief as deemed fit and proper by the Hon'ble Court be granted in favour of the present applicants.”

2. This Court by an order dated 14th December, 2016 dismissed the above Writ Petition by passing following order :

“Heard Mr. Pankaj Dwivedi, learned counsel for the petitioner and Mr. J. P. Yagnik, learned APP for the State.

2. By this petition, the petitioner is seeking direction to respondent No.1 to register F.I.R. on the basis of petitioner's complaints dated 16.11.2016 and 29.11.2016, annexed at Exhibit “A” and “B”, respectively.

3. Mr. Yagnik, learned APP, on instructions, makes statement that so far as complaint dated 16.11.2016 is concerned, F.I.R. is already registered. In support of his statement, he tendered a letter dated 12.12.2016, given by Senior Inspector of Police, Varsova Police Station. The same is taken on record and marked “X” for identification.

4. So far as another complaint dated 21.11.2016, Mr. Yagnik, learned APP submits that as on today F.I.R. is not registered as preliminary enquiry is in progress. He also states that the enquiry will be concluded within a period of two weeks and appropriate decision would taken and the same would be communicated to the petitioner. Statement is accepted.

5. In the light of above statement, the grievance of the petitioner no more survives. The petition, is disposed of accordingly.”

3. The present Application is filed making grievance that no action is taken in respect of the complaint dated 21.11.2016.

4. The learned APP, on instructions makes a statement that in

respect of complaint dated 16.11.2016 the FIR No.437 of 2016 is registered on 9.12.2016. She further states that allegations made in the complaint dated 21.11.2016 and 16.11.2016 are in respect of one and the same act. She also states that the allegations are covered by the FIR No.437 of 2016. This fact is also communicated to the Petitioner. She lastly stated that the chargesheet in C.R. No.437 of 2016 is almost ready and same would be filed before the concerned Court as early as possible.

5. In the above circumstances, grievance of the Applicant no more survives, hence, the Application accordingly stands disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)