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

CRIMINAL WRIT PETITION NO. 3421 OF 2017

Mahindra and Mahindra
Financial Services Ltd.

... Petitioner

V/s.

State of Maharashtra and ors

... Respondents

Ms. Mallika A. Ingale, for the Petitioner.

Mr. F. R. Shaikh, APP for the Respondent
State.

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

DATE : 20th NOVEMBER, 2017.

P.C. :

1] Heard learned counsel Ms. Mallika Ingale, for the
petitioner and learned APP for the State.

2] The petition is filed for the following reliefs :-

(i) This Hon'ble Court be pleased to issue writ of mandamus
or any other appropriate writ/order/direction to
respondent Nos. 2,3 and 4 to register FIR on the basis of
complaint dated 9.3.2017 annexed to this petition as
Exhibit "B".

(ii) This Hon'ble Court be pleased to take action against
respondent Nos 2,3 and 4 for violating the guidelines of the

Hon'ble Supreme Court regarding registration of F.I.R”.

3] So far as relief Clause (i) above is concerned, Mr. Shaikh, learned APP placed on record the report dated 07.11.2017, submitted by Senior Inspector of Police, Economical Offence Wing, GC-1, Mumbai, and submits that the petitioner's complaint was enquired into and it did not reveal commission of cognizable offence. The said report is taken on record and marked “X” for identification.

4] In the light of the report, the petitioner has alternative and efficacious remedy to file appropriate complaint before the concerned Magistrate. We are, therefore, not inclined to grant relief Clause (i) of the petition.

5] So far as relief Clause (ii) above is concerned, learned APP has placed on record another report dated 13.11.2017, submitted by Police Inspector, Economical Offence Wing, GC-1, Mumbai. We have perused the same.

6] Learned counsel for the petitioner relied upon the decision in case of ***Lalita Kumari -vs- Govt. of U.P. and ors, 2013 ALL MR (Cri), 444 (SC)***, and especially the directions given in Clause Nos. (vii) and (viii), in paragraph No.111.

7] The report dated 13.11.2017 gives explanation for delay in enquiry in petitioner's complaint. The report discloses that the

petitioner filed complaint on 9.3.2017 and thereafter Police Inspector Mr. Darekar, recorded statement of one Sagar Suresh Ketkar on behalf of petitioner on 28.3.2017, and petitioner's complaint was numbered as Preliminary enquiry No.72 of 2017. The persons against whom accusations are made, were directed to remain present in the police station. However, they applied for anticipatory bail in the Sessions Court and they got 72 hours protection. Meanwhile Police Inspector Mr. Darekar retired on 31.5.2017 and the enquiry was transferred to another Police Insptor Shri.Vijay Mane-respondent No.4.

8] Respondent No.4 seems to have thereafter conducted enquiry and came to the conclusion that the petitioner's complaint does not disclose commission of cognizable offence. In these circumstances, we are not inclined to grant prayer clause (ii).

9] The petition is accordingly dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]