

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

CRIMINAL WRIT PETITION NO.512 OF 2018

**The Manju Palace Co. Operative Housing
Society Limited : Petitioner.
Versus
State of Maharashtra and ors. : Respondents.**

**Mr. Subhash Jha i/by Law Global for the Petitioner.
Mr. Deepak Thakare, PP a/w Mrs. S D Shinde, APP for the
Respondent/State.
Mr. M M Vashi, Senior Advocate for the Intervenor.**

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.
DATE : 16th JULY 2018**

P.C.

1 The above Writ Petition has been filed for seeking directions that the complaints of the Petitioner mentioned in prayer clause (a) be looked into and an FIR be registered for the offences which have been mentioned in the said prayer clause (a). In support of the said relief reliance is sought to be placed on the judgment of the Apex Court reported in (2008) 7 SCC 164 in the matter of Lalita Kumari v/s. Government of Uttar Pradesh and ors. which is an exposition of the Apex Court in respect of the manner in which the police have to conduct themselves when a complaint of a cognizable offence is brought before the police. In the instant case, the Petitioner vide his aforesaid representations sought the registration of the FIR. It is required to be noted that the said complaints have been considered by the police and vide letter dated 21/01/2018 of the Sub-Inspector of Police, Goregaon Police Station,

Mumbai, the Secretary of the Petitioner has been communicated that the dispute between the parties is of a civil nature. Once that be so, then the law as expounded by the Apex Court in the case **Sakiri Vasu v/s. State of U.P. and ors.** reported in **AIR 2008 SC 907** and other cases come into play. The Apex Court in **Sakiri Vasu's** case (supra) has observed that against non-registration of the FIR, a Writ Petition need not be entertained and the remedy available to the parties is to approach the competent Court by filing an application under Section 156(3) of the Criminal Procedure Code. In the light of the said legal position, it is not necessary to keep the above Writ Petition pending. It would be open for the Petitioner to approach the competent Court by filing an application under Section 156(3) of the Criminal Procedure Code. If any such application is filed, needless to state that, the same would be heard and decided on its own merits and in accordance with law and expeditiously. With the aforesaid directions the above Writ Petition is disposed of.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]