

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3486 OF 2015**

Basantlal Bhagvandas GuptaPetitioner
versus
The State of Maharashtra and ors.Respondents

Mr. A. K. Singh, advocate for the petitioner.
Mrs. P. P. Shinde, APP for the State.
Mr. Khush I. Khandelwal I/b. Khandelwal Associates, advocate for the
respondent Nos.3 and 4.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 28th AUGUST, 2018.

P. C. :

Heard learned counsel and learned APP for the respective parties.

2. The petition is filed seeking direction to the respondent No.2-Senior Police Inspector of Tulinj Police Station to register FIR on the basis of the petitioner's complaint dated 15th July, 2015, a copy of which is annexed at Exhibit C, page 57.

3. Learned APP, on instructions, made a statement that the said complaint of the petitioner was enquired into and the conclusion was arrived that the dispute raised by the petitioner is of civil nature. The

learned APP stated that this decision was communicated to the petitioner. In support of her statement, she has placed on record a report dated 28th August, 2018 of the Police Sub-Inspector, Tulinj Police Station, Palghar as well as Outward Register of the Tulinj Police Station.

4. In the light of the above, learned counsel for the petitioner sought leave to withdraw the petition with liberty to approach the concerned magistrate by way of private complaint. Leave with liberty as prayed for, is granted. The writ petition is disposed of as withdrawn.

5. It is made clear that we have not gone into the merits of the matter, and all rights and contentions of the respective parties are kept expressly open.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]