

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3440 OF 2018

Mrs.Ottie Daniel Gracias .. Petitioner
Versus
Balkrishna Namdeo Kadam & ors .. Respondents

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Mr.V.K.Dubey for the petitioner.
Mrs.A.S.Pai APP for the State.
Mr.Amar Mishra with Mr.Tejas P. Kasar i/b SRM Law Associates
for respondent nos.7 and 8.

CORAM: SHRI RANJIT MORE &
SMT. BHARATI H.DANGRE, JJ.
DATED : 1st OCTOBER, 2018

P.C:-

1 Heard.

2 At the outset, learned counsel for the petitioner makes a grievance that the petitioner is restricting the petition to the relief claimed in prayer clause (b) of the petition. Statement accepted. Prayer clause (b) reads as follows :

- (b) That this Hon'ble Court be pleased to direct respondent no.10 viz. the Commissioner of Police, Mumbai to do proper inquire and investigation in the matter and in the construction scheme implemented on the said property and register FIR of petitioner after taking cognizance of complaints of petitioner.

3 Learned APP, on instructions, makes a statement that petitioner has already approached the Magistrate and filed private complaint under Section 156 (3) of the Code of Criminal Procedure. Statement of learned APP is not disputed by the learned counsel for the petitioner.

4 In the above circumstances, we are of the opinion that petitioner has adopted an alternate and efficacious remedy. We are therefore, not inclined to entertain the petition.

5 Petition is accordingly dismissed.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)

Manali
Prasanna
Tilak

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