

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL WRIT PETITION NO.28 OF 2019**

Ms. Pansy D'Mello,
daughter of late Philip D'Mello,
65 years of age, unmarried,
business, presently residing at
C/o. Philip Olinda Guest House,
H. No.650, on Anjuna Beach Road,
D'Mello Vaddo, Anjuna, Bardez.
Permanent resident of Gyan-Bhavan,
3rd Floor, Flat No.53,
Kumpta Street, Ballard Estate,
Mumbai – 400 038.

.... Petitioner

V/s.

1. State of Goa,
through the Chief Secretary,
Secretary, Porvorim-Goa.

2. The Police Inspector,
Anjuna Police Station,
Anjuna, Bardez – Goa.

3. Mr. Darrel Philip D'Mello,
son of late Philip D'Mello,
60 years of age, married,
self employed, residing at 23 AB,
Mini Land, Tank Road,
Gate no.6, Bhandup-West, Mumbai.

.... Respondents

Mr. Bazilio Pacheco, Advocate for the Petitioner.

Mr. M. Amonkar, Additional Public Prosecutor for the Respondents no.1 and 2.

Mr. Vivek Rodrigues, Advocate for the Respondent no.3.

**Coram : M. S. SONAK &
PRITHVIRAJ K. CHAVAN, JJ.**

Date : 5th August, 2019.

Oral Order: (Per M.S. Sonak, J.)

Heard Mr Bazilio Pacheco, the learned Advocate for the petitioner, Mr Mahesh Amonkar the Additional Public Prosecutor for the respondents no. 1 and 2 and Mr Vivek Rodrigues for the respondent no. 3.

2. In this petition, the petitioner, who is the senior citizen complains that her complaints dated 7.9.2017 and 2.2.2018 made to the Police Inspector of Anjuna Police Station are not being attended to.

3. Mr Bazilio Pacheco, the learned Counsel for the petitioner points out that in contrast, the Complaints made by the respondent no.3 who is incidentally the brother of the petitioner are quite quickly being attended to and on the basis of the same even

summons was issued to the petitioner under the provisions of Sec.107 of Cr.P.C.

4. In this case, since the dispute was between the brother and the sister we appointed a mediator, with the view of resolving or at least attempting to resolve the matter in an amicable manner. But it appears that mediation has failed.

5. In a proceeding under Articles 226 and 227 of the Constitution of India, it is not possible for us to go into rival allegations and counter allegations. However, we find that the petitioner's complaint dated 7.9.2017 was registered as a non-cognizable complaint. The petitioner has thereafter instituted a private complaint and the matter is pending. Accordingly there is no reason to make any order in relation to complaint dated 7.9.2017.

6. The complaint dated 2.2.2018 appears to be unattended by the Police Inspector of Anjuna Police Station. Accordingly, we direct the respondent no.2 to look into the matter of complaint dated 2.2.2018 and to take such action as is permissible and as warranted under the law. This is necessary, because, as pointed out by Mr. Bazilio Pacheco, the Police Inspector of Anjuna Police Station has already chosen to initiate Chapter proceedings against the petitioner on the basis of

complaint made by the respondent no.3.

7. The only grievance of the petitioner is that the complaints of the respondent no.3 are being attended by promptitude and the complaints of the petitioner are not being attended to at all. Again, we are not in a position to make any observations on this. However, we feel that the Police Inspector of Anjuna Police Station must look into the complaint of the petitioner who is a senior citizen and thereafter take action as warranted under the law.

8. We once again make it clear that we have not entered into merits and demerits of the disputes between the petitioner and the respondent no.2.

9. We dispose of this petition with the aforesaid direction. There shall be no order as to costs.

PRITHVIRAJ K. CHAVAN, J.

M. S. SONAK, J.

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