

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

CRIMINAL WRIT PETITION NO. 90 OF 2019

Sukhadev Bapuso Kesarkar

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Datta Pawar for the Petitioner.
Mrs. S.D. Shinde, APP for the Respondent.

**CORAM : B.P.DHARMADHIKARI, &
REVATI MOHITE DERE, JJ.
DATE : 06th FEBRUARY, 2019**

P.C.:

1. Heard learned Counsel. Effort is to urge that as the dispute revolves around an agreement, Civil remedy to seek its specific performance is available. Learned Counsel submits that ingredients of Section 420 of IPC are not satisfied.
2. We find that investigation is already over and chargesheet has been filed on 05.09.2018.
3. The Investigating Officer has found that on assurance of transferring tenement after it was acquired from CIDCO to complainant, amounts were taken from him. After tenement was given to the Petitioner, that assurance has not been followed. The First Informant therefore, demanded money back, but money has not

been paid back.

4. In this situation, as grievance is very specific, we in this jurisdiction are not inclined to intervene. We keep contention of Petitioner open and with liberty to take recourse to such remedies as are available in law, dispose of the matter.

(REVATI MOHITE DERE, J.)

(B.P.DHARMADHIKARI, J.)