

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.496 OF 2019

Pratibha Ajit Ambre : Petitioner.
Versus
Ajit Krishna Ambre and ors. : Respondents.

Mr. Ganesh Bhujbal for the Petitioner.
Mr. A R Patil, APP for the Respondent/State.

CORAM : S. S. SHINDE, J
DATE : 20th June 2019

P.C.

1 This Writ Petition has been filed for the following substantial relief:-

“(a) The impugned order dated 25th January 2018 passed by the Ld. Chief Judicial Magistrate, Thane Mumbai in R.C.C. No.314/2017 as well as the Order dated 4th January, 2019 passed by the Ld. Addl. Sessions Judge, dismissing the Criminal Revision Application No.86 of 2018, may be quashed and set aside and the Thane Nagar Police Station may be directed to conduct the investigation vide Sec. 156(3) of Cr.P.C. in respect to the complaint of the Petitioner and to register the offences against the Accused u/s. 420, 114, 120(B), 463, 464, 466, 467, 468, 470, 471, 472, 473, 474, 475, 477(A), 34 of I.P.C. and take action in accordance with law.”

2 The learned counsel appearing for the Petitioner invites this Court's attention to the allegations made in the complaint and submits that prima facie case was made out to issue direction for investigation under Section 156(3) of the Criminal Procedure Code, however, the learned Magistrate asked the complainant to examine himself on oath. It is submitted

that the learned Magistrate ought to have directed to conduct the investigation under Section 156(3) of the Criminal Procedure Code. It is submitted that the learned Sessions Judge, Thane did not properly appreciate the allegations made in the complaint and the contentions raised before the said Court and mechanically rejected the Revision Application.

3 Heard the learned counsel for the Petitioner. Perused the reasons assigned by the Trial Court as well as the Sessions Court. When the complaint is presented, the learned Magistrate has two options, either to ask the complainant to verify the statements made in the complaint on oath or order the investigation under Section 156(3) of the Criminal Procedure Code. The Magistrate has assigned the reasons, though in brief, that the allegations made in the complaint are of different nature and hence the complaint was kept for verification. The order passed by the learned Magistrate was well within jurisdiction and therefore no case is made out for invoking extra ordinary jurisdiction of this Court. The Writ Petition is accordingly rejected.

[S. S. SHINDE , J]