

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1333 of 2019**

Gem Hospitality Pvt. Ltd.Petitioner
versus
The State of Maharashtra and ors.Respondents

Mr. R. Raghwaracharallya along with Ms.Heena Rathore I/b. Kulkarni &
Associates, advocates for the petitioner.
Mrs. Aruna S. Pai, APP for the State.

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

DATE : 15th APRIL, 2019.

P. C. :

Heard learned counsel for the petitioner and learned APP for
the State.

2. A short grievance made in the petition is that Oshiwara Police
Station has not taken any action on the complaint dated 13th October,
2018 filed by the petitioner, a copy of which is annexed at "Exhibit-C",
page 43 of the petition.

3. Learned APP, on instructions, makes a statement that the said
compliant of the petitioner was enquired into and it was found that no
such incident as alleged by the petitioner has occurred on 13th October,
2018. This conclusion was communicated to the petitioner by Senior
Police Inspector, Oshiwara Police Station by his communication dated

30th March, 2019. This fact is not disputed by learned counsel for the petitioner.

4. In the light of the above, we are not inclined to entertain the petition especially when the petitioner, being aggrieved by the said communication, has an alternative remedy of approaching a magistrate under Section 156(3) of the Code of Criminal Procedure, 1973 (for short “the Cr.PC.”). The writ petition is, accordingly, dismissed.

5. It is made clear that we have not gone into the merits of the matter and, in the event, the petitioner files a complaint under Section 156(3) of the Cr.PC., the learned magistrate shall deal with the same independently on its own merits and without being influenced by the order of this Court.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]