

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 CRIMINAL WRIT PETITION NO. 1055 OF 2021

MANOJ OMPRAKASH RATHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Advocate for Petitioner : Mr. Gastgar Santosh B.
APP for Respondents : Mr. K. S. Patil
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CORAM : V. K. JADHAV AND
SANDIPKUMAR. C. MORE, JJ.
DATED : 10th DECEMBER, 2021

PER COURT:-

1. We have heard learned counsel for the petitioner for sufficient time.
2. The Police Inspector, Vivekanand Chowk Police Station, Latur has also conducted an inquiry in respect of the complaint filed by the petitioner dated 27.07.2021. The Police Inspector, Vivekanand Chowk Police Station, Latur has submitted a report to the learned APP and the same is now placed before us. On perusal of the same, it appears that the Police Inspector has not only recorded the statements of the witnesses, but also recorded the statement of the tempo owner, whose tempo was allegedly used in commission of the crime. Further, the manager of the petitioner was not found despite efforts taken by the

Investigating Officer. It further appears from the said report that Civil Suit No. 95/2018 is pending between the parties and the said suit has been instituted by Fulabai for recovery of the licence fees, cancellation of the fraudulent lease deed and mandatory and perpetual injunction.

3. We are of the considered opinion that the dispute is predominantly of civil nature and in terms of the report submitted by the Police Inspector, Vivekanand Chowk Police Station, Latur, no criminal liability stands attracted. We thus find no substance in this criminal writ petition. The criminal writ petition is hereby dismissed. However, the petitioner has the liberty to raise all the grounds those are available to him in the pending suit.

4. It is hereby made clear that we have not considered the merits of the grounds raised by the petitioner pertaining to the infringement of his civil rights and the remedy thereof.

(SANDIPKUMAR C. MORE, J.)

(V. K. JADHAV, J.)