

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO. 29 OF 2021

Krupa Maruti Hallikar

...Petitioner

Versus

1. The State of Goa, in its Ministry of Home
Affairs, Thr. The Public Prosecutor & anr.

...Respondents

**Mr. Vincent D'Silva, Advocate holding for Mr. Andre
Pereira, Advocate for the Petitioners.**

Mr. S. G. Bhobe, Public Prosecutor for the Respondent-State.

**CORAM: M. S. SONAK &
M. S. JAWALKAR, JJ**

DATED: 29th July, 2021

PC:-

1. Heard Mr. Vincent D'Silva, learned Counsel for the
Petitioner and Mr. S. G. Bhobe, learned Public Prosecutor for the
Respondent-State.

2. This Petition seeks a writ of mandamus to the Respondents
to investigate into the Petitioner's complaint dated 10.03.2017,
in which, he has alleged that certain persons committed criminal
trespass by making use of forged documents to annoy the
complainant.

3. Mr. Silva, learned Counsel, referred us to the
communication dated 09.01.2019 addressed by the PSI of
Mapusa Police Station to the Complainant, in which, the PSI has
informed the complainant that the matter is of a civil nature and,

therefore, no cognisance can be taken of the complaint. Mr. Silva submits that this communication will perhaps come in the way of the Petitioner approaching the competent Magistrate urging that the matter involves the commission of cognisable offences.

4. According to us, despite the communication dated 09.01.2019, it is always open to the Petitioner to take out appropriate proceedings before the competent Magistrate in terms of the provisions of the Code of Criminal Procedure.

5. By clarifying this position, we dispose of this Petition. There shall be no order as to costs.

M. S. JAWALKAR, J.

M. S. SONAK, J.