

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.221 OF 2021

Kiran Khimanand Pandey
nee (Mrs. Kiran Deepak Verma)

: Petitioner.

Versus

The State of Maharashtra and ors.

: Respondents.

Mr. Santosh Vhatkar a/w Mr. Mkaresh Makwana i/by Santosh Vhatkar &
Associates for the Petitioner.

Mr. Jeet J Gandhi for Respondent Nos.4, 5 and 6.

Sr. PI, Mr. M R Shinde and API Mr. Babar of Charkop Police Station, present.

CORAM : S. S. SHINDE,
MANISH PITALE, JJ

DATE : 22nd MARCH 2021

P.C.

1 Heard the learned counsel appearing for the parties. Admittedly the proceedings filed by the Petitioner are pending before the Court of learned Additional Chief Metropolitan Magistrate, 26th Court, Borivali, Mumbai bearing Criminal Complaint No.427/SW/2013. It is stated by the Petitioner in Ground No.7 of the Petition that already that Court has issued warrant to secure the presence of the Respondents/Defendants therein.

2 We have carefully perused the prayer in the Petition. In our opinion since the above mentioned Court is seized with the proceedings initiated by the Petitioner, the reliefs claimed in this Petition can be claimed before the said Court. It is informed that the Petitioner has filed the application in the said proceedings to secure the presence of the alleged 2nd wife of Respondent No.4 viz. Neelu and her two minor children.

3 This Petition filed under Article 226 of the Constitution of India is not maintainable in view of the pending proceedings before the above mentioned Court wherein the Petitioner can seek appropriate reliefs including the relief claiming in this Petition.

4 The 4th Respondent is present before this Court. He stated that his alleged 2nd wife Neelu is at Varanasi with her children and her address and phone number has already been given to the Petitioner as well as the Police. In that view of the matter, the presence of Respondent Nos. 4 to 6 stands dispensed with.

5 For the reasons afore-stated, we are unable to persuade ourselves in considering the relief claimed in this Petition. Hence the Writ Petition stands disposed of with liberty to the Petitioner to agitate the issues raised and the reliefs claimed in this Petition in the pending proceedings before the he Court of learned Additional Chief Metropolitan Magistrate, 26th Court, Borivali, Mumbai. We make it clear that we have not entered upon the contentions raised on merits and it is for the concerned Court to consider the said contentions on merits and decide the said proceedings in accordance with law.

[MANISH PITALE, J]

[S. S. SHINDE , J]