

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2991 OF 2021**

Ananda Vithoba Jagdale

...Petitioner

V/s.

Avinash Kashinath Jagtap And Anr.

...Respondents

Mr. Milind Deshmukh for Petitioner.

Mrs. S.D. Shinde, A.P.P. for the Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 12th DECEMBER, 2022.****PC.:-**

1. By the present Petition, Petitioner has requested this Court to lodge First Information Report (*for short 'FIR'*) against Dnyandeo Narayan Jadhav, the alleged accused in the complaint filed by Petitioner.

2. Record indicates that, the Petitioner had already filed a private complaint before the competent Court of jurisdiction and the learned Special Judge had entertained the same. The said accused namely Dnyandeo Jadhav therefore has filed Criminal Writ Petition No.2402 of 2021 in this Court. This Court by its Order dated 17th July, 2021 has directed the Police that, in case the FIR was not then registered, the same shall not be registered till the next date. The said Order holds field even as of today.

Perusal of Petition would indicate that, the Petitioner has not mentioned the said most crucial fact in the Petition and according to us has suppressed it only to mislead this Court.

3. Even otherwise the Petitioner has already adopted alternate remedy available at his disposal under law. The Hon'ble Supreme Court in the case of *Bombay Metropolitan Region Development Authority, Bombay Vs. Gokak Patel Volkart Ltd. and Ors.* reported in (1998) 1 SCC 642 has held that, where the alternative remedy is availed by the Petitioner and the proceedings are subjudice, in that event the writ petition for similar reliefs ought not to be entertained. It is held that, the Petition filed during the pendency of Petitioner's Appeal before the statutory authority was not maintainable.

4. In view of the above, we find that, there are no merits in the Petition.

Petition is accordingly dismissed in *limine*.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)