

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1226 OF 2021**

Smt. Poonam Vinayak ChavhanPetitioner

Versus

The Senior Police Inspector, Adgaon Police
Station and ors.Respondents

Mr. Tushar Sonawane, advocate for the petitioner.
Mr. K. V. Saste, APP for the State.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 17th MARCH, 2022.

P.C. :

1. Heard learned counsel for the petitioner and learned App for the State.

2. A very limited grievance is raised in the petition. The petitioner submits that the petitioner was residing with her husband and other family members in an area known as Rajlaxmi Society, Mangalmurti Nagar, Nashik. The petitioner was desirous of entering into some sort of business activity or entrepreneurship so as to assist her family financially. An advertisement was published at the instance of one – Rajan Patil for distributorship in respect of some ayurvedic health care products. It may not be necessary for us to refer to other details. Suffice to say that the petitioner approached Mr. Patil. Mr. Patil demanded

certain amount from the petitioner. The petitioner parted with an amount to the tune of Rs.17,60,000/- on assurance of Mr. Patil. The petitioner was expecting receipt of stock but in spite of petitioner handing over huge amount to Mr. Patil, the petitioner did not receive anything apart from false assurances. The material placed on record shows that the petitioner instead of approaching the nearest police station, had approached the Office of the Commissioner of Police, Nashik by submitting a written complaint. Learned counsel appearing for the petitioner orally submitted before this Court that the Commissioner was kind enough to call for necessary information from his subordinate officers and, thereafter, there was no further progress in the matter. In the backdrop of these facts, the petitioner is before this Court with a principal prayer seeking direction to respondent No.1 to register a complaint.

3. Considering the above referred facts, we are of the opinion that the petitioner failed to take appropriate steps by approaching the proper authority so as to raise the grievance by lodging a report in the police station and complaint was submitted to the Commissioner of Police. It is also not in dispute that on a grievance that, the police authorities are not giving any heed on disclosure of cognizable offence, the person is not left remediless and an efficacious remedy in the nature of approaching learned magistrate by filing complaint is available to such a person. The petitioner also could availed such a remedy. Accordingly,

we deem it appropriate to dispose of the petition with liberty to the petitioner to adopt appropriate remedy in the nature of approaching the competent forum including judicial forum by taking recourse to the provisions of law. We further make it clear that if such recourse is taken and the petitioner approaches judicial forum, the concerned judicial officer to consider the factum that the petitioner was before this Court for some period and may pass appropriate orders as expeditiously as possible.

With these observations, the petition is disposed of.

4. We further make it clear that this Court has not made any observations on the contentions and merits of the petition.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)