

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.603 OF 2016**

Smt. Swati Rajiv Mehta

....Applicant

Versus

The State of Maharashtra and ors.

....Respondents

Mr. Subhash Jha along with Mr. Manoj Chauhan i/b. Law Global
Advocates for the the applicant.
Mr. J. P. Yagnik, APP for the State.

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.**

DATE : 14th JANUARY, 2022.

P.C. :

1. The applicant has approached this Court by way of present proceedings with a prayer to direct the respondent No.3 to register an FIR on the basis of the complaint dated 18th March, 2015 against the accused for the offences punishable under Sections 341, 383, 384, 504, 506(ii) read with Section 34 of the Indian Penal Code, 1860 and other prayers.

2. Heard the learned counsel for the respective parties.

3. Mr. Jha, learned counsel for the applicant submitted that on 18th March, 2015, the applicant had made a complaint to the Commissioner of Police, Joint Commissioner of Crime, Deputy

Commissioner of Police, Senior Inspector of Police, Gamdevi Marg Police Station and Senior Inspector of Police, L.T. Marg Police Station, Mumbai, alleging therein that one Mithalal Dhakan and one unknown person came to her residence in the second week of December, 2014, and forcibly took away her jewellery worth Rs. 20,00,000/- and shares in the name of her family members worth Rs.20,00,000/- issued by Reliance, Century and other blue chip companies by exerting pressure and by causing mental torture for security of Rs.33,00,000/-.

4. It is submitted that though sufficient period has elapsed, no action has been taken by the respondents.

5. Mr. Jha, learned counsel for the applicant further submitted that in view of the judgment of the Hon'ble Supreme Court of India in the case of **Lalita Kumari Vs. Government of Uttar Pradesh (2014) 2 SCC 1**, it is binding upon the respondents to register the FIR once it is found that the complaint made discloses offences and, having not done so, the applicant has remedy to approach this Court and seek directions as sought in the present application.

6. Learned APP opposed the present application on the ground that alternate efficacious remedy is available to the applicant and without approaching the concerned learned magistrate, the applicant has directly filed this application.

7. We have considered the rival contentions of the parties. Undisputedly, the applicant is having an alternate efficacious remedy available by approaching the magistrate under the provisions of the Code of Criminal Procedure, 1973. The magistrate can take cognisance of the complaint and issue necessary directions to the concerned police under Section 156 of the Code of Criminal Procedure, 1973, to investigate the matter if any cognisable offence is disclosed in the complaint.

8. In that view of the matter, we find substance in the submission of learned APP that in view of the alternate remedy available before the magistrate, this Court may not entertain this application. Accordingly, we pass the following order :

ORDER

1. The application is disposed of with liberty to the applicant to file appropriate proceedings as available under law, before the appropriate forum.

9. The application is disposed of. There shall be no order as to costs.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)