

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2526 OF 2022

Mrs.Kavita Santosh Shetty

.. Petitioner

Versus

The State of Maharashtra and Ors.

.. Respondents

.....

Ms.Tanaya Patankar i/b. Mr.Rahul Shirgavkar, Advocate for the Petitioner.

Mr.V.B. Konde – Deshmukh, APP for the Respondent No.1 – State.

Mr.Savidhan Choure, PSI, Virar Police Station, present.

.....

***CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.***

DATED : JULY 27, 2022.

P.C. :

1 Heard learned Counsel for the parties.

2 By this petition, the petitioner seeks the following substantive
reliefs:

“b. *This Hon’ble Court be pleased to direct the Respondent No.1
to register FIR against the R.No.2-17 u/s 420, 406, 351, 441,*

442, 378, 504, 506, 321, 471, 114, 120(b), r/w 34 IPC.

c. This Hon'ble Court be pleased to direct JMFC Vasai decide petitioner complaint with in 15 days."

2 As far as prayer Clause (b) is concerned, the learned APP, on instructions of the officer Mr.Choure, who is present in Court, states that the respondent no.1 has taken a decision not to register an FIR in the said case, as they have found no substance in the complaint lodged by the respondent no.2. He submits that the concerned officer will communicate the said decision to the petitioner within one week from today. Statement accepted.

3 It appears that the petitioner has also filed a private complaint before the J.M.F.C., Vasai, being Criminal Application No.0000492 of 2022. The said application is annexed at Exhibit – B at page 29 of the petition. A perusal of the said complaint shows that in the said complaint the petitioner is praying for investigation under Section 156(3) of Cr.P.C.

4 Considering the aforesaid nothing survives for further

consideration in this petition. Needless to state, that the complaint already filed before the learned J.M.F.C., Vasai, by the petitioner, to be decided on its own merits, in accordance with law.

4 Petition is disposed of on the aforesaid terms.

5 We make it clear, that we have not gone into the merits of the petition.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.