

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3852 OF 2018**

JM Financial Asset Reconstruction
Company Ltd.

...Petitioner

Versus

The State of Maharashtra and Anr.

...Respondents

...

Mr. Amit Jajoo i/b. Indus Law for the Petitioner.

Ms Dipika Badheja with Mr. Hardik Sanghavi i/b.Agrud Partners for
Respondent No.2.

Ms S.D. Shinde, APP for Respondent-State.

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

DATE : 4th JANUARY, 2022.

P.C. :

1. Present petition is filed on the backdrop of the submission that a complaint is lodged against the Petitioner-Company in Gokul Shirgaon Police Station, Kolhapur and accordingly the principle prayers in the petition are quoted as follows:-

“a. Pass an order calling for the records and proceedings of Complaint pending before the Gokul

Shirgaon Police Station, Kolhapur and upon examining the legality and propriety of such Complaint and proceeding the Preliminary Enquiry be quashed;

b. Issue a Writ of Mandamus or any other Writ, Order or Direction thereby quashing the preliminary enquiry initiated by the Police Authority upon the Complaint filed by the Respondent No.2 before the Gokul Shirgaon Police Station;”

2. The Division Bench of this Court by order dated 21/09/2021 issued notice to Respondent making the same returnable on 27/09/2021. Learned APP waives service of notice on behalf of Respondent No.1. Ms Dipika Badheja, learned counsel waives service of notice on behalf of Respondent No.2.

3. Learned APP invited our attention to a communication dated 18/10/2021 forwarded to the office of the Public Prosecutor whereby it is informed to the office of the Public Prosecutor that on going through the application submitted to the police station and on

causing preliminary enquiry, the Police Sub Inspector attached to the police station found that the nature of dispute is purely of a civil dispute. It is also reported that there is a proceeding pending before the Debts Recovery Tribunal, Pune, against the Petitioner. These facts were brought to the notice of Superintendent of Police, Kolhapur and under the directions of Superintendent of Police, Kolhapur, the application submitted to the police was filed. The communication thus refers to negative opinion for initiation of any action.

4. In view of above, copy of the communication is taken on record and marked 'X' for identification. In view of this communication in our opinion nothing survives in the petition nor any cause remains for the Petitioner to prosecute the petition further. This being the factual scenario, the petition stands disposed of.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)