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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
WRIT PETITION NO. 5822 OF 2019**

Mrs. Rajwant Kaur

... Petitioner

V/s.

The Senior Police Inspector and ors.

... Respondents

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Mr. Manoj Shirsat i/b Bhairavi Waravdekar for the Petitioner.

Mr. J.P. Yagnik, APP for the Respondent Nos.1 and 3.

Mr. Vikram Deshmukh a/w. Ms Disha Dave i/b Maulik Tanna for  
the Respondent No.2.

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CORAM : NITIN JAMDAR &  
N.R. BORKAR, JJ.

DATE : 8 JULY 2022.

**P.C.**

. This petition is filed by the Petitioner for following the relief:

*“(a) That this Hon’ble Court be pleased to issue a writ of mandamus or any other writ or order or direction of the nature directing Respondent No.1 to register an FIR under Section 25 read with Section 3 of the Indian Arms Act, 1959 against Respondent No.2”.*

2. The learned Counsel for Respondent No.2 has placed before us a copy of the order passed by the Additional Chief Metropolitan Magistrate, 3<sup>rd</sup> Court, Esplanade, Mumbai dated 17 November 2021 below Exhibit-7 in C.C.No.143/PW/2021. The learned Counsel for

the Respondent No.2 states that this very request was made and it is rejected by the learned Magistrate.

3. Perusal of the order shows that an application was made by the prosecution to frame the charge under Section 3 punishable under Section 25 of Arms Act against the Respondent No.2. The same has been rejected by the Additional Chief Metropolitan Magistrate.

4. Therefore, once a judicial order is passed, by which, the Respondent No.1 is bound, writ of mandamus cannot be issued, bypassing a judicial order without setting it aside. The Petitioner and the State have remedies in respect of the order passed by the learned Additional Chief Metropolitan Magistrate. Keeping that remedy open, Writ Petition is disposed of.

**(N.R. BORKAR, J.)**

**(NITIN JAMDAR, J.)**