

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1500 OF 2022

Mrs. Disha Dadu Barap	...	Petitioner
Versus		
The State of Maharashtra & Ors.	...	Respondents

Mr. Ramchandra N. Kachave for the Petitioner.
Mr. Subodh Desai a/w Abbas Zaidy and Aditya i/b Zohair & Co. for
the Respondent No.4
Mr. A. R. Kapadnis, APP for the Respondent-State.
PI Mr. Shaikh i/by PSI Mr. B. V. Gaonkar, Amboli Police Station.

**CORAM: NITIN W. SAMBRE AND
R. N. LADDHA, JJ.**

DATE : 10th JANUARY, 2023

P.C. :-

1. It is the case of the petitioner that she has lodged complaint on 15th March, 2022, with the office of Police Commissioner i.e. respondent nos.2 and 3, as regards the offence of cheating, criminal breach of trust and an offence under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, of which cognizance is not taken.

2. The learned APP, so also the Counsel appearing for the respondent no.4 Mr. Desai on instructions informs that the alleged damage to the temple is already repaired and restored. It is specifically stated that the petitioner along with co-owner for valuable

consideration has already executed a registered deed of surrender in relation to immovable property, which was registered with the office of sub-Registrar on 5th April, 2013.

3. The petitioner is in receipt of the copy of affidavit of respondent no.4 containing pleading and documents justifying the above act, however, has not filed any rejoinder confronting the said document or denying or disputing the said pleadings.

4. In the aforesaid background, this Court is of the view that the petition involves disputed questions of facts, which cannot be adjudicated under Article 226 of the Constitution of India.

5. Apart from above, in our opinion the petitioner has an alternate remedy under the provisions of Criminal Procedure Code.

6. That being so, the petition stands dismissed with liberty to the petitioner to take recourse of an alternate remedy, if so desires.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]

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BIPIN DHARMENDER
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