

VRJ

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

WRIT PETITION NO.1769 OF 2022

Tanuja Deshpande @ Rabade	... Petitioner
V/s.	
Shubhada S. Deshpande and Anr.	... Respondents

Mr. Francis A. Pereira for the petitioner.

Mr. A.R. Patil, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 20, 2023

P.C.:

1. The challenge in this petition is to the order dated 8th October 2021, passed by the revisional Court confirming order of the learned Magistrate sending the complaint for inquiry under sections 200 and 202 of the Code of Criminal Procedure, 1973. From the averments in the complaint, it appears that the offences alleged against the accused were under sections 500, 420, 384, 385, 471, 468 read with section 34 of the Indian Penal Code, 1860.

2. According to the complainant, accused Nos.1 and 2 removed the documents from her custody and, therefore, she filed N.C. with Dadra Police Station. Despite her request the accused persons refused to handover the documents and, therefore, she filed a complaint as the police did not take action on her request.

3. The learned Chief Judicial Magistrate by order dated 8th May 2019, rejected the prayer for police investigation under section 156(3) but granted liberty to the complainant to lead evidence under sections 200 and 202 of the Code of Criminal Procedure, 1973. On consideration of the averments in the complaint, in my opinion courts below were justified in adopting course of granting permission to the complainant to lead evidence under section 200 of the Code of Criminal Procedure, 1973. There is no reason to interfere with the order.

4. The writ petition is, therefore, dismissed. No costs.

(AMIT BORKAR, J.)