



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 13 OF 2021

Sachin Vishvanath Tanpathak S/o
Vishvanath Vaman Tanpathak

... Petitioner

V/s.

The Senior Police Inspector,
Vishnu Nagar Police Station And Anr.

... Respondents

Ms. Megha Gupta a/w Ms. Shweta R. Rathod i/b Elixir Legal Services for
Petitioner.

Mrs. M. H. Mhatre, APP for Respondent No.1-State.

Mr. Uday Nighot for Respondent No.2.

CORAM : A.S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.

DATE : 27th SEPTEMBER, 2023.

PC. :

- 1) Heard learned counsel for Petitioner and Respondent No.2.
Perused record.
- 2) Record indicates that, there are claims and counter claims
pertaining to the payment of consideration of suit flat by the Petitioner and
Respondent No.3 arising out of Agreement For Sale dated 21st December,
2006. The Application dated 16th September, 2020 filed by the Respondent
No.3 with Respondent No.1-Police Station, has been disposed off by it, as
the dispute *interse* between Petitioner and Respondent No.3 is of civil
nature. The said fact has been communicated by Respondent No.1 to
Respondent No.3 by its letter dated 21st September, 2020.

3) In this premise, according to us, the Petitioner is having substantive alternate remedy either by way of filing of a suit for Specific Performance of Agreement For Sale dated 21st December, 2006 or for other reliefs as may per permissible under the law including the Limitation Act, before the Civil Court.

4) According to us, the various reliefs prayed by the Petitioner in the present Petition, are omnibus in nature and can not be granted.

5) By reserving the alternate remedy, as may be permissible under the provisions of law, Petition is disposed off.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)