

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 6358 OF 2021**

Raju Maliram Saini

.....Petitioner

Vs.

The State Of Maharashtra

.....Respondent

Mr. Anand Mishra i/by Mr. A.M. Saraogi for the Petitioner.

Mr. Ajay Patil APP, for the Respondent-State.

Mr. Girish Kedia a/w Adv. Krushang Kedia for the Intervenor.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 15th FEBRUARY, 2023.****P.C.:-**

By the present Petition under Article 226 of the Constitution of India, Petitioner has prayed that the Respondent/Police Authority be directed to lodge a crime on the basis of his complaint dated 7th April, 2021 addressed to various Police Authorities.

2) Heard Mr. Mishra, learned Advocate for the Petitioner at length. Perused the Petition and the documents annexed therewith.

3) We have minutely perused complaint dated 7th April, 2021. The allegation of the Petitioner that, one month prior to lodgment of complaint dated 7th April, 2021, the prospective accused namely Mr.

Rajendra Agrawal assaulted him with an iron pipe near the gate of Hanuman Mandir, at Chincholi Signal, S.V. Road, Mumbai, is not supported by either medical document or any other independent witness to rely on it. The other allegations made in the said complaint discloses non-cognizable offence.

4) Upon a query put to the learned Advocate for the Petitioner as to whether Medical Certificate has been issued by any Doctor/Hospital to even remotely infer that the prospective accused Mr. Rajendra Agrawal had in fact assaulted Petitioner with an iron pipe, the learned Advocate on instructions submitted that, on the alleged date of incident, as the Petitioner was in hurry to catch a train, he did not take medical treatment. Even otherwise, according to us the said allegation is absolutely vague as it does not disclose or mention the date and time of the alleged incident.

5) Record further discloses that, on earlier occasion i.e on 31st May, 2019, the Petitioner had addressed a complaint to various Authorities including the Hon'ble the Chief Minister of Maharashtra. The Police after conducting enquiry into the matter, had informed the Petitioner that, the dispute *inter-se* between the Petitioner and Mr. Rajendra Agrawal is of Civil nature and he was requested to approach the Civil Court for redressal of his grievance. The annexure to the Petition clearly indicates that, as a matter of fact, the Petitioner has instituted a Short Cause Suit No.241 of 2020 in the City Civil Court at Dindoshi, Goregaon, Mumbai and the same is

pending for final adjudication.

6) According to us, the present complaint is frivolous in nature.

In view thereof, we find no merits in the Petition. Petition is accordingly dismissed.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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SANJIV SHARNAPPA
MASHALKAR
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