

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1893 OF 2021**

Ishrat Mohd. Chand Mallik

...Petitioner

V/s.

The State Of Maharashtra

...Respondent

Ms. Bushra Sayed i/by Ms. Anjali Awasthi for Petitioner.

Mrs. S.D. Shinde, A.P.P. for the Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 31st JANUARY, 2023.****P.C.:-**

1. By the present Petition, Petitioner is seeking lodgment of crime on the basis of her complaint dated 23.07.2020 with Kurla Police Station, Mumbai.

2. Heard Ms. Bushra Sayed, learned Advocate for Petitioner and Mrs. Shinde, learned A.P.P. for Respondent State. Perused the record produced before us.

3. It is an admitted fact on record that, as the police did not take cognizance of the complaint of Petitioner, the Petitioner filed Criminal Application No.984/Misc./2020 in the Court of learned Metropolitan Magistrate, 52nd Court, Kurla, Mumbai under Section 156(3) of Cr.P.C. for seeking investigation into her complaint for the alleged cognizable offences, which the accused persons committed on 23.07.2020. The learned

Magistrate dismissed the said complaint by a speaking Order. Against the said Order, the Petitioner has preferred Revision Application and the said Revision is pending for adjudication.

4. As the Petitioner has already exhausted alternate remedy available at her disposal, present Petition for same relief is not maintainable. Reliance is placed on the decision of Hon'ble Supreme Court in the case of *Bombay Metropolitan Region Development Authority, Bombay Vs. Gokak Patel Volkart Ltd. and Ors.* reported in (1995) 1 SCC 642 in that behalf.

5. In view thereof, present Petition is misconceived and is dismissed in *limine*.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)