

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

CRIMINAL WRIT PETITION NO. 2216 OF 2017

Jyoti Dhiresh Mehta ... Petitioner
Versus
Mandakini Pandarinath Hande & Ors. ... Respondents

None for the Petitioner.
Ms. Anjali Shildhear-Baxi for the Respondent No.3.
Mrs. G. P. Mulekar, APP for the Respondent-State.

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

DATE : 5th JANUARY, 2023

P.C. :-

1. Heard.
2. Learned APP waives notice for respondent no.6.
3. The prayer of the petitioner is for issuance of mandamus and for registration of an offence under Section 120B read with Sections 181 and 202 of the Indian Penal Code, 1860 and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.
4. None appears for the petitioner. The case of the petitioner rest on the contractual obligation *inter se* between the petitioner and respondent nos. 1 and 2, wherein the petitioner agreed to sell his bungalow to respondent nos. 1 and 2.

5. It appears that at the behest of petitioner complaint case is already pending on the file of the Judicial Magistrate First Class, Panvel, vide C.C. No. 33 of 2013.

6. Apart from above, RCS No. 387 of 2017 is pending at the behest of respondent no.1, which is for restoration of electric connection.

7. Considering the nature of dispute between the private parties i.e. petitioner and respondent nos. 1 and 2 and having regard to the pendency of the criminal and civil proceedings, *inter se* between the parties, this Court refrain itself from exercising the jurisdiction under Article 226 of the Constitution of India. As according to this Court, for redressal of the grievance made in the petition, the petitioner has an alternate remedy.

8. The petition is accordingly stands disposed of.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]