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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3272 OF 2023

Kavya Smriti d/o. Abhay Kumar Patel

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Anand Mishra i/b. Mr.A.M. Saraogi for Petitioner.
Mr.Ajay Patil, A.P.P. for Respondents-State.

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

DATE : 29th September 2023.

P.C. :

1) By the present Petition under Article 226 of the Constitution of India, the Petitioner has prayed for, issuance of appropriate writ, Order and direction, directing the Respondents to forthwith take cognizance in respect of her complaint/s vide letters dated 24th July 2023 and 26th July 2023 in accordance with law and for a direction to the Respondents, not to cause any harassment to the Petitioner and/or obstruct her legal profession/business activities under the garb of alleged information received by them.

2) Heard Mr.Mishra, learned counsel for the Petitioner. Perused record annexed to the Petition.

3) In her complaints/letters dated 24th July 2023 (page 70) and 26th July 2023 (page 71), the Petitioner has stated that, she and her owner of the suit premises had a dispute over a commitment, which the owner had made to the Petitioner, to settle the matter and therefore the Petitioner filed Suit No. 1638 of 2023 against her owner. It is alleged that, the owner of the suit premises Parveen Varsi and her husband had threatened her that they will break upon the locks and throw her belongings out. The Petitioner therefore had requested the Respondent No.2 to look into the said matter, take appropriate action and to provide police protection for the same. In her letter/complaint dated 26th July 2023 (page 71) the earlier facts mentioned in letter dated 24th July 2023 are reiterated. Apart from the same it is stated that, on 25th July 2023 the Petitioner/landlord of the suit premises again threatened the Petitioner outside the Court room, to drive her out of the suit premises and would cause harm to her reputation. It is stated that, the Petitioner is scared and therefore requested Respondent to look into the said matter and provide her police protection.

3.1) Bare perusal of the said letters/complaints clearly indicates that, no cognizable offence of whatsoever nature is disclosed from it. The Police therefore rightly have not taken any cognizance on the same.

4) Record further indicates that, the Police attached to Worli Police Station had issued a letter dated 10th August 2023 (page 72) to the Petitioner informing her that, Smt. Parveen Varsi has lodged a complaint against her

stating that, the Petitioner is conducting illegal activities in the suit premises. The Police had therefore called the Petitioner to attend Police Station on a particular date for the purpose of inquiry.

4.1) In view of the said letter dated 10th August 2023, according to us prayer Clause (b) also cannot be entertained. Even otherwise prayer Clause (b) is in the nature of an injunction.

5) In view of above, we find that there are no merits at all in the Petition. Petition is accordingly dismissed.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)