

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

CRIMINAL WRIT PETITION NO. 4459 OF 2022

Mehboob Nazir Khokhar ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. Ajeet Manwani a/w Mr. Faisal Vora, for the Petitioner.

Mr. V. B. Konde-Deshmukh, A.P.P for the Respondents – State.

Mr. Sandeep Maurya a/w Ms. Simran Vishwakarma, for the Intervener.

***CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.***

DATE : 11th JULY 2023

P.C. :

1. By this petition, the petitioner has sought the following substantive reliefs:-

“a. That this Hon’ble Court be pleased to issue appropriate directions by way of Writ of Mandamus or any other Writ, direction or Order directing the Respondents to carryout the investigation and register a FIR against the Accused, Khushid Khokar & Khurshidabanu Khokar;

- b. That this Hon'ble Court may be pleased to provide police protection to the Petitioner and his family as the said Khurshid Khokar has threatened Petitioner and his family to be shot dead and possesses licensed gun;
- c. That this Hon'ble Court may be further pleased to issue appropriate directions to the Respondents to cancel the gun license issued to the Accused and seize all the guns, pistol and rifle possessed by him."

3. As far as prayer clause 'a' is concerned, the learned APP on instructions states that the police have enquired into the petitioner's complaint dated 21st March 2022 and after enquiry have concluded that the dispute is of a civil nature. Learned APP states that despite the police attempting to serve the said letter on the petitioner, the petitioner is refusing to accept the same. Learned APP submits that the said decision was taken by the police on 24th October 2022.

4. In view of what is stated by learned APP, the learned counsel for the petitioner does not press for prayer clause 'a'. Learned counsel, however, seeks liberty to pursue such remedies, as permissible in law, before the appropriate forum/court.

5. As far as prayer clauses 'b' and 'c' are concerned, the petitioner is at liberty to approach the appropriate authorities for redressal of the same.

6. Petition is accordingly disposed of as not pressed with liberty as prayed.

7. We make it clear that we have not gone into the merits of the petition and as such all contentions of all parties are kept open.

8. All concerned to act on the authenticated copy of this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.