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

**CONTEMPT PETITION NO. 1 OF 2023
IN
WRIT PETITION NO. 2347 OF 2022**

Ranjana Ramesh Gharat	... Petitioner
Versus	
The State of Maharashtra	... Respondent

Mr. Omkar S. Paranjape for the petitioner.
Mrs. M. M. Deshmukh, APP for the Respondent-State.
Mr. D. Sonake, API & Ms Rupali Gund, PSI Ganeshpuri Police Station
present.

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

DATED : 14th FEBRUARY, 2023

P.C.:

1. Heard Mr. Paranjape, learned counsel for the petitioner.
2. It is the case of the petitioner that the land jointly owned alongwith brothers who are alleged to be co-accused not only has grabbed his share and created 3rd party interest but has also siphoned the amount of compensation received through acquisition from the acquiring body.
3. This Court having regard to the relationship between the parties, already issued notice on 12/07/2022 and on 26/07/2022 recorded the statement of investigating officer who was looking

into the complaint of the petitioner to take appropriate decision on the complaint.

4. It appears that the police authorities had investigated / inquired into the matter and has noticed that the case of the petitioner does not disclose any cognizable offense. The communication dated 21/11/2022 appears to be the basis for the contention of the learned counsel for the petitioner that the police authorities ought to have investigated the matter and by taking help / assistance of the SDO has failed to discharge their duties under the provisions of Cr.P.C.

5. What can be noticed from the contents of the communication issued by the police authority is, SDO has submitted report to the police authority stating that the petitioner has executed relinquishment deed, the power of attorney based on which the brothers of the petitioner, who were holding authority have acted upon by executing the above acts which are alleged to be criminal in nature.

6. Apart from above, the fact that the petitioner has already initiated a civil suit questioning the legality of both the aforesaid documents is an undisputed fact.

7. In this background, having regard to the disputed question of

facts involved in the petition, this Court refrains itself from exercising jurisdiction u/s 226 of the Constitution of India. Accordingly we dispose of the contempt petition. It shall be open for the petitioner to move before the Magistrate u/s 156 of the Cr.P.C which prayer be dealt with in accordance with law.

8. The contempt petition as such stands disposed of.

(R. N. LADDHA, J)

(NITIN W. SAMBRE, J.)