

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

CRIMINAL WRIT PETITION NO.3547 OF 2023

Hausabai Ganesh Thale ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

Mr. Shivshankar D. Patil, for the Petitioner.

Mr. R. M. Pethe, A.P.P for the Respondent – State.

PSI – P. B. Todase, Bhiwandi Taluka Police Station, is present.

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.***

DATE : 7th FEBRUARY 2024

P.C. :

1. By this petition, the petitioner seeks a direction to the respondent No.2 to take cognizance of the petitioner's complaint and register an FIR, as against the respondent No.5.

2. Learned APP states that the police after conducting a preliminary enquiry have come to a conclusion that the dispute is of a civil nature and have accordingly closed the petitioner's complaint.

He submits that the said decision has been communicated to the petitioner vide letter dated 29th November 2018. The said letter is at Exhibit – ‘D’, on page 20 of the petition.

3. In view of the communication dated 29th November 2018, nothing survives for further consideration in this petition. The petition stands disposed of accordingly.

4. Needless to state, that the petitioner is at liberty to initiate appropriate proceedings as maintainable in law, in view of the decision of the Apex Court in the case of *Lalita Kumari v/s Government of U.P. & Others*¹.

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

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.

1 AIR 2012 SC 1515