

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

CRIMINAL WRIT PETITION NO.4778 OF 2024

Vasundhara Ashok Ghagare ... Petitioner
Versus
The Senior Police Inspector and Ors. ... Respondents

Mr. Sudhir Sadavarte a/w Ms. Aloysia Kanjirathingal for the Petitioner.

Mr. Ashish I. Satpute, A.P.P for the Respondent-State.

PSI – Ravindra Ranbhise from Naupada Police Station, Thane, is present.

***CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.***

DATE : 22nd JANUARY 2025

P.C. :

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

“(b) By issuing an appropriate writ, order or direction, the Respondent No.2 be directed to immediately made inquiry in respect of F.I.R. No.159/2014 filed at Naupada Police Station, Thane and to take necessary action against the Respondent No.3 (Accused).

“(c) By issuing an appropriate writ, order or direction the F.I.R. No.I-163/2014 registered by the Respondent No.1 against the Petitioner be quashed and set aside;

(d) By issuing an appropriate writ the Respondent No.2 be directed to take appropriate steps against the Respondent No.5 hereinabove for making false statement before this Hon'ble Court and to furnish report of the same to this Hon'ble Court."

2. At the outset, we may note that as far as prayer clause (c) is concerned, the same does not pertain to our assignment and as such we are not required to consider the same. Even otherwise, the order dated 23rd February 2024 passed by this Court (Coram: A. S. Gadkari & Shyam C. Chandak, JJ.) which is annexed at page 41 of this petition, reveals that the petitioner had sought quashing of the same before this Court and that the said petition was disposed of, since the petitioner had already availed of an alternate remedy i.e. had filed a discharge application before the trial Court. Thus, nothing survives for consideration of prayer clause (c).

3. As far as prayer clause (d) is concerned, the same cannot be considered, since the case in question is sub-judice.

4. As far as prayer clause (b) is concerned, learned APP states that 'B' Summary Report was filed in the said case way-back as in 2018 i.e. 31st September 2018.

5. Considering the aforesaid i.e. that a 'B' Summary Report has been filed, nothing survives for consideration in the present petition. Petition stands disposed of accordingly.

6. Needless to state, that it is open for the petitioner to adopt appropriate remedy as maintainable in law before the appropriate forum. Needless to also state, that we have not gone into the merits of the petitioner's complaint or the 'B' Summary Report filed and as such all contentions of all parties are kept open.

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

DR. NEELA GOKHALE, J.

REVATI MOHITE DERE, J.