

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 138 OF 2015

Habib Ahmed s/o. Habib Abdulla @
Hallmuchaus

....Petitioner.

Versus

The State of Maharashtra & Ors.

....Respondents.

Mr. S.B. Bhapkar h/f. Mr. P.B. Rakhunde, Advocate for petitioner.

Mr. K.S. Patil, APP for State.

**CORAM : T.V. NALAWADE &
SMT. I.K. JAIN, JJ.**

DATED : 20th March, 2015.

ORDER :

1. Two prayers are made in the petition, which are as under :-

"(i) To direct to the respondent No.1 and 2 to register the FIR/crime against the respondent No. 3 and 4 on the basis of complaint dated 03.01.2015 and 10.01.2015 filed by petitioner for the offence U/sec. 416, 417, 420, 464, 467 r/w. 34 of I.P.C. and further directing to investigate the same.

(ii) To direct the respondent No. 1 and 2 to initiate chapter cases against the respondent No. 3 on the basis of complaint filed by the petitioner dated 08.01.2015 and 10.01.2015 under provision of Criminal Procedure Code."

2. Both the sides are heard. During argument, the learned APP showed to this Court the zerox copy of F.I.R.

No.33/2015 registered on the basis of report given by Habib Ahemad at Kotwali Police Station, Parbhani for the offences punishable under sections 420, 465, 468, 471, 506 r/w. 34 of I.P.C. Though the date of receipt of report is mentioned as 26.2.2015, the contents printed on F.I.R. are similar to the contents of the complaint given on 3.1.2015. Thus, the crime is registered and to that extent, the petition does not survive.

3. In respect of second prayer that direction needs to be given to police to start chapter proceeding, this Court holds that such direction cannot be given. The provisions of sections 107 to 110 of Cr.P.C. are to be used by the police stations, law and order machinery for their own purpose and their satisfaction is necessary in that regard. Such orders are not expected from this Court by using writ jurisdiction or even inherent powers and so, the second prayer is also refused.

4. The petition is disposed of.

[SMT. I.K. JAIN, J.]

[T.V. NALAWADE, J.]

ssc/