

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL WRIT PETITION NO. 932 OF 2015**

SHRINIVAS PARASARAM AWASARE

VERSUS

THE STATE OF MAHARASHTRA & ORS

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Advocate for Petitioner : Mr. V. D. Salunke h/f Mr. Thoke
Dhananjay B

APP for Respondents/State: Mr. B.L. Dhas

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CORAM : S.S. SHINDE & A. I. S. CHEEMA, JJ.**Dated: July 30, 2015**

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PER COURT :-

Heard the learned counsel appearing for the petitioner.

2. This Petition seeks direction to Respondent No.7 to register the First Information Report on the basis of the complaint of the petitioner dated 11.06.2015.

3. Upon perusal of the Exhibit 'E' on page 51 of the compilation of the Writ Petition, it appears that, instead of exercising the jurisdiction vested in it, the concerned Police Inspector has sent notice to the petitioner stating therein that, the dispute appears to be civil in nature, and therefore, the petitioner should approach to the Civil Court for redressal of his grievance. The provision of Section 154(3) of the Criminal Procedure Code read thus :-

“154. Information in cognizable cases.

(1)

(2)

(3) Any person aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in sub-section (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence. ”

4. Upon perusal of the material placed on record, it appears that, the petitioner has not approached the Superintendent of Police, as provided under the provisions of sub-section (3) of Section 154 of the Criminal Procedure Code, being aggrieved by a refusal on the part of an officer incharge of a police station to record the information referred to in sub-section (1).

5. In that view of the matter, we grant liberty to the petitioner to send the substance of such information in

writing and by post, to the concerned Superintendent of Police, Aurangabad (Rural). In case, such steps are taken by the petitioner as contemplated under sub-section (3) of section 154 of the Criminal Procedure Code, Respondent No.4 is directed to take decision on such substance of information forwarded by the petitioner, within three weeks from receiving such substance of information, in accordance with law.

6. Petition stands disposed of accordingly.

(**A. I. S. CHEEMA, J.**)

(**S.S. SHINDE, J.**)

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