

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2594 OF 2014

Shirajuddin Abbas Momin.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. Milind Deshmukh for the Petitioner.

Mr. K. V. Saste, learned APP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **March 2, 2015.**

P. C. :

1. The petition is filed seeking direction to Respondent No.3 to register an FIR against accused persons named in the Petitioner's complaint dated 20th April 2009 [copy of the same is at Exhibit-D to the petition].

2. It seems that Respondent No.3 has not taken any action on the said complaint since the year 2009. On last occasion i.e., on 22nd December 2014, learned APP for the State sought time to take instructions. Today, again he is seeking time for lack of instructions. We are not inclined to adjourn the matter any further.

3. It is unfortunate to note that Respondent No.3 has not taken any action on the Petitioner's complaint. It is mandatory for Respondent No.3 to hold the preliminary enquiry and to register the FIR if information / complaint discloses the commission of a cognizable offence. This

mandatory obligation is not discharged by Respondent No.3. We therefore dispose of writ petition by issuing following direction :

- 1] Respondent No.3 is directed to forward the Petitioner's complaint to appropriate police authority within the period of one week from today.
- 2] The said appropriate authority shall hold the preliminary enquiry into the Petitioner's complaint and arrive at appropriate decision, which decision shall be communicated to the Petitioner.
- 3] The entire exercise shall be completed by the said police authority within seven days of receipt of directions from Respondent No.3.
- 4] Learned APP shall forthwith intimate this order to Respondent No.3.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]