

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4216 OF 2015

Santosh Bhimsingh Chavan and ors. ..Petitioners
Versus
The State of Maharashtra and ors. ..Respondents

Mr. R. D. Suryawanshi, advocate for the petitioners.
Mr. K. V. Saste, APP for the State.

**CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.**

DATE : 3rd DECEMBER, 2015.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The petitioners are the accused in CR.No.I-538 of 2015 registered with Manpada Police Station for the offences punishable under Sections 302, 143, 147, 148 and 149 of the Indian Penal Code, 1860. The petitioners were arrested and, at the time of their remand, they preferred an application dated 8th October, 2015, in CR.No.I-538 of 2015 before the learned Magistrate at Kalyan, alleging that in the incident in question, they have been injured by the deceased and others. The petitioners also made a second complaint on 10th October, 2015 making similar grievance. The learned Magistrate, on this complaint, passed an order calling for the say from the investigating officer. The

investigating officer, accordingly, filed his say on 12th October, 2015 pointing out that there is no substance in the petitioners' complaint. The learned Magistrate thereafter on 12th October, 2015, passed the order directing A.S. to treat the petitioner's application as complaint and register it. Pursuant to the said order of the learned Magistrate, the Assistant Superintendent sought direction from the Magistrate as to against whom and under which provisions, the complaint has to be registered. The learned Magistrate has not issued any directions to that effect so far.

3. The present petition is filed making grievance that despite the directions of the Magistrate, the police have not registered any offence. Since there are no directions to the police and directions are issued to the Assistant Superintendent, we do not find any justification to interfere in the petition. The petition is, accordingly, dismissed.

4. We, however, direct the learned Magistrate, Kalyan to pass an appropriate order pursuant to the directions sought by the Assistant Superintendent.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]