

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**Criminal Writ Petition No. 127 of 2014**

[Sau. Vijaya w/o Keshav Bhonde Vs. The State of Maharashtra through  
its Secretary, Home Dept. and ors.]

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Office Notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's orders

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Shri S. J. Khandalkar, Advocate for petitioner  
Shri Sashibhushan Wahane, Advocate for respondent no. 3  
Shri S. M. Uke, APP for the State/respondent nos. 1 and 2

**CORAM : A.B. CHAUDHARI AND  
P.N. DESHMUKH, JJ.**

**DATE : 16-01-2015.**

Heard learned counsel for the parties.

Shri Khandalkar, learned counsel for the  
petitioner submits that the petitioner was assaulted by  
the concerned Police Inspector, respondent no. 3 and  
report was also lodged to the concerned Police Station,  
but no cognizance has been taken. There is a medical  
report also showing that the petitioner was assaulted.  
The learned counsel for the petitioner, in all fairness,

states that the offence under Section 323 of the Indian Penal Code at the most was made out and should have been registered.

We find that in case of offence under Section 323 of the Indian Penal Code, the same is non-cognizable and therefore, the FIR could not have been registered. In that view of the matter, we dispose of the present writ petition with liberty to the petitioner to take such steps as are available in law.

**Judge**

**Judge**

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