

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3098 OF 2015

Shubham Manglya Vaze.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. G. T. Kachanpurkar for the Petitioner.

Mrs. S. V. Sonawane, learned APP for the State.

Coram : RANJIT MORE &
V. L. ACHLIYA, JJ.

Date : **January 8, 2016.**

P. C. :

1. Heard learned Counsel appearing for the Petitioner and learned APP for the State. By this petition, a direction is sought to Respondent No.2 to register the FIR against Respondent Nos. 4 to 9 on the basis of Petitioner's complaint dated 2nd and 3rd July 2015.

2. The learned APP having taken instructions from the concerned police officer makes a statement that the Petitioner himself has given a statement on 22nd July 2015 stating that he has no objection to file his complaints and present writ petition is filed thereafter on 30th July 2015. Learned Counsel appearing for the Petitioner having taken instructions from the Petitioner, who is

present in the Court, emphatically states that no such statement as is referred to by APP is ever made by the Petitioner. He further submitted that the said statement might have been procured by the Investigating Officer without explaining the contents of the statement.

3. We have perused the Petitioner's complaints dated 2nd July 2015 and 3rd July 2015 made to the Sub Divisional Police Officer, Palghar and Superintendent of Police, Palghar. The complaint *prima facie* discloses the commission of cognizable offence. Even assuming for the sake of argument that the Petitioner has given statement dated 22nd July 2015, that will not absolve the police from their duty to register an FIR if the complaint discloses the commission of cognizable offence. Admittedly, the Petitioner has stoutly denied the said statement. In the circumstances, we dispose of the petition by directing Respondent No.2 to examine the Petitioner's complaints referred to above and take appropriate decision/action on those complaints within 7 days from today. Decision/Action taken shall also be communicated to the Petitioner immediately.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]