

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3609 OF 2015**

Shri Suraj Shamsundar MalpaniPetitioner
versus
The State of Maharashtra and ors.Respondents

Mr. Sugandh B. Deshmukh, advocate for the petitioner.
Ms. Sangeeta D. Shinde, APP for the State.
Mr. D. B. Shinde i/b. Mr. S. K. Hande, advocate for the respondent Nos. 6 and 7.

**CORAM : RANJIT MORE &
SANDEEP K. SHINDE, JJ.**

DATE : 4th DECEMBER, 2017.

P. C. :

Heard learned counsel for the petitioner, learned counsel for the respondent Nos. 6 and 7 and learned APP for the State.

2. The petition is filed seeking directions to the respondent Nos. 1 to 4 to lodge FIR against the respondent No.5 who is working as Police Inspector at Indapur Police Station as well as against the respondent Nos.6 and 7 on the basis of the petitioner's complaint dated 19th December, 2011, a copy of which is annexed at "Exhibit B", page 15.

3. The learned APP has placed on record a report dated 30th October, 2017 of the Police Superintendent, Nashik Gramin. The

report shows that the Departmental Enquiry was held against the respondent No.5 by the Additional Police Superintendent, Nashik Gramin and Additional Director General of Police (Establishment), Maharashtra State, Mumbai and two annual increments of the respondent No.5 were stopped.

4. The learned counsel for the petitioner submitted that despite departmental enquiry and since the petitioner's complaint disclosed cognizable offence, the FIR has not been registered. In our view, the petitioner has an efficacious alternative remedy to approach the magistrate by way of private complaint after obtaining sanction against the respondent No.5. In the event, such complaint is filed, the learned magistrate will take an appropriate decision independently on its own merits and in accordance with law.

5. In the light of above, the writ petition stands disposed off.

(SANDEEP K. SHINDE, J.)

[RANJIT MORE, J.]