**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO.213 OF 2018**

**Dharmendra Munish Gupta alias Babu : Petitioner.**
**Versus**
**The State of Maharashtra and ors. : Respondents.**

**Mr. Anand V Upadhyay for the Petitioner.**
**Mr. R M Pethe, APP, for the Respondent/State.**
**Mr. D L Dabhade – PSI of Central Police Station, Ulhasnagar-3 present.**

**CORAM : R. M. SAVANT &**
**REVATI MOHITE DERE, JJ.**
**DATE : 09th AUGUST 2018**

**P.C.**

1 At the outset the learned counsel appearing on behalf of the Petitioner Shri Anand V Upadhyay states that the Petitioner is not pressing prayer clause (d) of the above Writ Petition.

2 In so far as prayer clause (a) is concerned, the said prayer can be said to be the substantive prayer sought by the Petitioner in the above Writ Petition. By the said prayer clause (a) the Petitioner seeks direction against the Respondent No.3 i.e. the Senior Inspector of Police, Central Police Station, Ulhasnagar to register the FIR as per the complaint of the Petitioner dated 17/10/2017 which is annexed at Exhibit B to the above Writ Petition at page 23.

3 The registration of the FIR is sought on the basis of the alleged

assault suffered by the Petitioner in the incident which took place on 13/10/2017. It is required to be noted that an FIR has already registered against the Petitioner arising out of the alleged incident which took place on the said day. It is the case of the Petitioner that he has suffered serious injuries in support of which he has annexed photographs to the above Writ Petition.

4 The learned APP Shri R M Pethe appearing for the Respondent/State seeks to highlight the antecedents of the Petitioner which have been sought to be brought to our notice vide report dated 09/08/2018 of the Sub-Inspector of Police, Central Police Station, Ulhasnagar. Another report of the Senior Inspector of Police also of the same date is also submitted to us by the learned APP. The report submitted by the Sub Inspector of Police also adverts to the externment proceedings which have been initiated against the Petitioner on 24/08/2017, however, the show cause notice issued to the Petitioner has not culminated in any order passed by the Externing Authority.

5 Be that as it may, it is undisputed that a decision in respect of the Petitioner's complaint dated 17/10/2017 has not been taken. The learned APP seeks to draw attention to the statements of the Petitioner recorded on two consecutive dates i.e. 10/11/2017 and 11/11/2017 by the officer of the Central Police Station, Ulhasnagar. We therefore direct the Senior Inspector of Police, Central Police Station, Ulhasnagar to consider the complaint of the

Petitioner dated 17/10/2017, and having regard to the overall circumstances take a decision thereon and communicate his decision to the Petitioner within four weeks from date. With the directions as aforesaid, the above Writ Petition is disposed of. The reports both dated 09/08/2018 are handed over back to the learned APP appearing for the Respondent/State.

**[REVATI MOHITE DERE, J]** **[R.M.SAVANT, J]**

Laxmikant Gopal Chandan

Digitally signed by Laxmikant Gopal Chandan
Date: 2018.08.09 17:32:43 +0530