

nsc.

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

CRIMINAL WRIT PETITION NO.534 OF 2018

Abdulkadar Abubakar Khan and Ors. ...Petitioners
Versus
State of Maharashtra and Ors ...Respondents

Mr.A.S.Khandeparkar, i/b Khandeparkar and Associates, for the Petitioners.

Mrs.A.S.Pai, A.P.P for the Respondent-State.

***CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.***

DATE : 9th JULY, 2018

P.C. :

1. The Writ Jurisdiction of this Court is invoked for a direction that an FIR be registered and be directed to be investigated by an Agency outside the jurisdiction of the Superintendent of Police, Sindhudurg. The said relief is sought, in view of the communication dated 18th December, 2017 received from the Superintendent of Police, Sindhudurg, by which communication the Petitioners have been informed that on enquiry it is found that no offence has been made out in respect of which the complaint was made by the Petitioners. It is in the context of the communication of the Superintendent of Police, Sindhudurg that the Petitioners would have to

take appropriate recourse.

2. In the said context, a useful reference could be made to the judgment of the Apex Court in the matter of ***Sakiri Vasu vs. State of U.P and Ors¹***, wherein the Apex Court has held that the remedy of a party against the refusal of registration of an FIR is to file an application under Section 156(3) of the Code of Criminal Procedure. Hence, it would be open for the Petitioners to file such an application before the appropriate Court.

3. If such an application is filed within two weeks from date, the concerned Judicial Magistrate First Class is directed to decide the same expeditiously and not later than eight weeks of receipt of such an application.

4. With the directions as aforesaid, the Writ Petition is disposed of.

(REVATI MOHITE DERE, J.)

(R. M. SAVANT, J.)

1 2008 SC 907