

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3206 of 2018**

Mr. Ashok Gangji Gogari and anr.Petitioners
versus
The State of Maharashtra and ors.Respondents

Mrs. Teja Katdare I/b. Ms.Anita Dubey, advocate for the petitioners.
Mr. Deepak Thakare, PP along with Ms. Prajakta P. Shinde, APP for the State.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.
DATE : 18th SEPTEMBER, 2018.**

P. C. :

Heard learned counsel for the petitioners and learned APP for the State.

2. The petition is filed for the following reliefs :

a) That the record and proceedings pending before Borivali Court, 26th Metropolitan Magistrate Court being CR/2600333/PW/18 be called for and after perusing the same be quashed and set aside.

b) That appropriate Writ/Order/Direction be issued against Respondent Nos.2 to 4 on the part of inaction against the Complaint dated 13/10/16 made by the petitioners.

3. So far as relief claimed in prayer clause (a) is concerned, learned APP, on instructions, submitted that the trial has already commenced. This statement is not disputed by the learned counsel for

the petitioners. In that view of the matter, we are not inclined to entertain this prayer.

4. So far as relief claimed in prayer clause (b) is concerned, the petitioners relied upon the complaint dated 13th October, 2016, a copy of which is annexed at "Exhibit-F", page 33. We have perused the same. The said complaint is directly addressed to the Commissioner of Police. This is not a complaint in terms of provisions of section 154(1) of the Code of Criminal Procedure, 1973.

5. Be that as it may, the petitioners are at liberty to approach the Station House Officer of the concerned Police Station with their grievance under section 154(1) of the Code of Criminal Procedure, 1973. In the event, such a complaint is filed, the Station House Officer of the concerned Police Station, shall hold preliminary enquiry and take appropriate decision in terms of the decision of the Apex Court in **Lalita Kumari versus Government of U.P. and ors. (2014) 2 SCC 1**. This can be done as expeditiously as possible and within a period of 7 days from the date of filing of said complaint.

6. In view of the above, the writ petition stands disposed of.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]