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

WRIT PETITION NO. 5260 OF 2017

Mr. Raj Bharat Korde Petitioner.

V/s

State of Maharashtra and Others Respondents.

Mr. Subhash Jha i/b Mr. M.S. Pandey for the Petitioner.
Mr. Rajan Salvi, APP for the State.

**CORAM: B. R. GAVAI &
B. P. COLABAWALLA, JJ.**

DATE: 7th FEBRUARY, 2018

P.C.:-

1] Petitioner has approached this Court, seeking a direction to register an FIR. On being inquired repeatedly as to whether the Petitioner has approached the concerned Police Station with his grievance, learned Counsel for the Petitioner makes a statement that, since the matter was pertaining to one local MLA who is an influential person, it was felt that the Petitioner may not get justice and therefore rather than making a grievance to the concerned police station, it was found appropriate to address the grievance to the higher authorities.

2] When a law requires a particular thing to be done in a particular manner, it has to be done in that manner alone. When Section 154 of

Criminal Procedure Code requires that the first information of cognizable offence has to be given to the police station having jurisdiction over the area, the Petitioner should have first done that. Only after the Police Station fails to take steps in the matter, Petitioner could have proceeded further.

3] Merely because the Petitioner apprehends that the police authorities may not respond to her complaint, that cannot be a ground for the Petitioner to directly approach the higher authorities. The system cannot work with a presumption that all authorities enjoined with duties will not perform their duties in impartial manner. In any case, apart from making bald allegations, no persons against whom such a grievance is stated to exist, are made parties to the present Petition. In that view of the matter, allegations of malafides are required to be heard only to be rejected.

4] We are therefore not inclined to entertain the present Petition in the extraordinary jurisdiction under Article 226 of the Constitution of India. Petition stands rejected. Needless to state that Petitioner is always entitled to pursue the remedies that are available to him in law.

(B. P. COLABAWALLA, J.)

(B. R. GAVAI, J.)