

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 67/2017

(SHARMENDRA ROOPKISHOR MAHESHWARI **VERSUS** SUNIL KASHINATH ZAVARE & OTHERS)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Mr. Mahesh Kishnani, counsel for the petitioner.

CORAM : MANISH PITALE, J.

DATE : JUNE 11, 2018.

This is a writ petition filed by the petitioner challenging order dated 05.01.2017 passed by the Judicial Magistrate First Class, Corporation Court No.2, Nagpur in Miscellaneous Criminal Application No.5231 of 2016. By the said order, the aforesaid Court has rejected the application of the petitioner.

The grievance of the petitioner is that he apprehends danger to his life in the backdrop of disputes with certain persons in respect of his business and other transactions, about which he had approached the concerned police station. It is the grievance of the petitioner that the police is not taking appropriate action in the matter, although he has specifically approached Police Station Hudkeshwar, Nagpur. In his application before the Magistrate and the writ petition filed before this Court, the petitioner has shown number of persons as party respondents. In fact, there are as many as fifty respondents in this writ petition.

The specific prayer made in the said application before the Magistrate, reads as follows:-

“Prayer:- It is, therefore, most humbly and respectfully prayed that this Hon'ble Court may kindly be pleased to give direction to the Hon'ble Police Commissioner to provide 4 Police Gun Commando Security free of cost to the complainant and his family members, in the interest of justice.”

By the impugned order dated 05.01.2017, the Court of the Magistrate has found that there is no provision under which the aforesaid application and prayer of the petitioner could be entertained. Even before this Court, the counsel appearing on behalf of the petitioner is unable to point out any provision under which the aforesaid prayer made on behalf of the petitioner could be granted. Therefore, there is no merit in this petition and it deserves to be dismissed.

But, the grievance that is sought to be raised by the petitioner in respect of disputes with certain persons and alleged offences committed by them can be raised in accordance with law by approaching the police authorities and if the petitioner has any grievance in regard to the action/inaction of the police authorities, he would be at liberty to approach the appropriate Magistrate under Section 156(3) of the Code of Criminal Procedure. If such an application-complaint is made by the petitioner before the appropriate Magistrate, needless to state, it would be dealt with in accordance with law.

But, as regards the prayer made in the application before the Magistrate, which has been quoted above, being a general prayer seeking a direction to the Police Commissioner to provide four Police Gun Commandos to the petitioner and his family free of cost, the petitioner has obviously failed to make out any case either before the Court below or this Court.

Accordingly, this writ petition, being found to be without merit, is dismissed.

With the disposal of the writ petition, Criminal Application (APPW) Nos.107 of 2018 and 109 of 2018 also stand disposed of.

JUDGE

APTE