

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 220 OF 2021

Bharat Surendra Patil

... Petitioner

Versus

The State of Maharashtra
and others

... Respondents

....

Mr. S.P. Brahme, Advocate h/f Mr. Bipinchandra K. Patil, Advocate for
the Petitioner

Mr. S.D. Ghayal, A.P.P. for Respondents – State

....

**CORAM : V. K. JADHAV AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 22nd JUNE, 2021

PER COURT:-

1. We have heard the learned counsel for the petitioner for some time.

2. It appears that on 14.02.2020, the petitioner has sent his complaint through R.P.A.D to the Police Inspector, Degloor Police Station, Dhule. According to the petitioner, the concerned Police Station has not taken cognizance even though the accused person allegedly committed the cognizable offence. It further reveals that in terms of the provisions of Section 154 (3) of the Criminal Procedure Code, the petitioner – original complainant has not submitted the complaint in writing to the Superintendent of Police concerned neither filed a complaint before the Magistrate. In terms of Section

154 (3) of the Criminal Procedure Code, if the Superintendent of Police is satisfied that such information discloses commission of a cognizable offence, he shall either investigate the case himself or direct and investigation to be made by any police officer subordinate to him.

3. Learned counsel for the petitioner, on instructions, seeks leave to withdraw this writ petition with liberty to the petitioner to approach the Superintendent of Police in terms of section 154 (3) of the Criminal Procedure Code or to file a complaint before the Magistrate. Learned counsel for the petitioner submits that by order dated 24.02.2021, this Court (Coram : T.V. Nalawade and M.G. Sewlikar, JJ.) had directed the petitioner to deposit Rs.50,000/- to show the *bona-fides*. Accordingly, the petitioner has deposited the said amount in this Court. Since the petitioner is withdrawing this writ petition with liberty, the said amount be refunded to him.

4. Leave granted. Criminal writ petition is dismissed as withdrawn with liberty to the petitioner to approach the Superintendent of Police or to file a complaint before the Magistrate as permissible in law.

5. The amount of Rs.50,000/- deposited by the petitioner in this Court shall be refunded to him forthwith.

(SHRIKANT D. KULKARNI)
JUDGE

(V. K. JADHAV)
JUDGE

S.P Rane