

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

CRIMINAL WRIT PETITION NO.445 OF 2021

KIRAN KHIYALDAS KATARIYA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Shri Sonavane Narendra D.
Chief Public Prosecutor for Respondents 1 to 3 : Shri D.R. Kale
...

**CORAM : RAVINDRA V. GHUGE
&
B. U. DEBADWAR, JJ.**

DATE :- 09th April, 2021

Per Court :-

1. We have heard the learned advocate for the petitioner. We have also considered the submissions of the learned Chief Public Prosecutor, who has taken instructions in the matter. We have also perused the result of the civil litigation between the petitioner and his opponents.
2. We notice from the petition paper book that the complaints of the petitioner dated 19.03.2020 at page 61, dated 21.08.2020 at page 72 and dated 01.12.2020 at page 83, have been addressed to the Commissioner of Police, Aurangabad purportedly on the ground that when the petitioner approached the Police Station, MIDC Chikalthana, Aurangabad, his complaints are not accepted on the ground that they have semblance of a civil dispute.

3. The learned Chief Public Prosecutor submits that if the petitioner approaches respondent No.3 with a written complaint, whatever may be the contents of the complaint, they would be dealt with in accordance with the Code of Criminal Procedure.

4. By appreciating the statement of the learned Chief Public Prosecutor, we find that the pending complaints could be transmitted by the Commissioner of Police, Aurangabad to respondent No.3 and respondent No.3 could take cognizance of the said complaints and deal with them in accordance with law.

5. The learned advocate for the petitioner submits, on instructions, that the petitioner would be satisfied if his complaints are considered.

6. In view of the above, this Criminal Writ Petition is disposed off. The above mentioned three complaints pending with respondent No.2/ Commissioner of Police be transmitted to respondent No.3 within a week. Respondent No.3 shall consider the said complaints and shall act on the same in accordance with the Code of Criminal Procedure.

kps

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)