

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

CRIMINAL WRIT PETITION NO. 58 OF 2017

Ramesh Ganpat Yelve. ... Petitioner.
V/s.
The State of Maharashtra and Others. ... Respondents.

Mr. Ajay Kumar Singh for the Petitioner
Ms. Harsha Asnani i/b. The Law Point for the Respondent No.5
Ms. M.H. Mhatre, APP for the Respondent - State

**CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.**

DATE : 6 December 2021.

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P.C. :

The Petitioner has filed this petition for the direction to the Respondents to register an FIR as per the complaint filed by the Petitioner on 28 November 2016. The complaint, stated to be under section 154 of the Code of Criminal Procedure, 1973, is annexed to the petition. Section 154(1) states that every information relating to commission of a cognizable offence should be first given to the officer-in-charge of the concerned police station and if he refuses, to the Superintendent of police concerned.

2. The complaint annexed to the petition is in the form of

representation addressed to the Commissioner of Police, Senior Inspector of Police, Mulund (W) Police Station, Deputy Commissioner (ENC), Project Manager (R & R), MMRDA. Such a representation cannot be said to be an information as required under section 154(1) of Cr.P.C. Where the statute prescribed a particular methodology, it need to be followed. After a particular section is invoked and complaint is filed, then duty arises on the part of the statutory authority to treat it as one under the provisions. If such general representation is addressed to all authorities including civil authorities, it becomes administratively difficult to take notice thereof.

3. Since the remedy under section 154 is available to the Petitioner, to be exercised as per law, we do not find any reason to interfere with in writ jurisdiction.

2. With the aforesaid observation writ petition is dispose of.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)