

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

CRIMINAL WRIT PETITION NO. 174 OF 2019

Ashok Gangadhar Ratnaparkhi

..Petitioner

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. Vijaykumar Dighe for Petitioner.

Mr. K. V. Saste, APP for State/Respondent No.1.

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

DATE : 17 NOVEMBER 2021

P.C. :

1. The Petitioner claims to be a R.T.I. activist and a social worker has sought a direction to the Respondent No.3 Zilla Parishad, Pune to lodge an F.I.R. with the Respondent No.2 Senior Inspector of Police in respect of certain acts done by the office bearers of Narayangaon Gram Panchayat, Junnar, District Pune.

2. The Petitioner had approached this court earlier by way of Writ Petition No. 4112 of 2017 wherein the Petitioner had made similar grievance. The Writ Petition was disposed of by the Division bench on 26 June 2018 observing that the Petitioner can make a

representation. Thereafter the Petitioner made his representation to the Senior Inspector of Police on 05 July 2018 and the Petitioner was communicated by the Senior Inspector of Police, Narayangaon, on 25 August 2018 that, in view of circular issued by the Government of Maharashtra (Rural Development Department) on 04 January 2017, directly F.I.R. cannot be filed and there has to be preliminary inquiry and accordingly the matter was forwarded to the Block Development Officer. The grievance of the Petitioner is that, after this communication nothing further has been done.

3. Once the methodology is laid down by the Circular dated 04 January 2017 that there has to be preliminary inquiry, we do not find any error in the view taken by the Senior Inspector of Police in observing that unless such preliminary inquiry is conducted and result indicates filing of F.I.R., a F.I.R. cannot be registered. The Circular is not under challenge before us.

4. The Petitioner has sought to project himself as representing villagers residing there. However, neither other villagers are co-petitioners nor signatures of the villagers is annexed to the petition. The Petitioner has only initiated action as he states that he is a social worker. The case of the Petitioner is nothing higher than that of the informer. Once the Petitioner has brought to the notice of the authorities what he thinks is an illegality and when the Senior Inspector of Police has already put the process in motion and the

concerned Zilla Parishad is looking into the issue, we find that further direction in the petition at the behest of the Petitioner is not required.

5. In any case, the Zilla Parishad will consider the reference made by the Senior Inspector of Police and take the case to its logical end within a reasonable period.

6. The Writ Petition is accordingly disposed of.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)