

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4314 OF 2019

Aateesh Ashok Waghella

.... Petitioner

versus

State of Maharashtra & Ors.

.... Respondents

.....

- Mr.Sachin Pawar, Advocate for Petitioner.
- Ms.A. S. Pai, APP for State/Respondent.

CORAM : NITIN JAMDAR &
SARANG V. KOTWAL, J.

DATE : 26 NOVEMBER 2021

P.C. :

. Heard learned counsel for the parties.

2. This Petition is filed for a writ of mandamus to the Respondent No.1 State of Maharashtra to lodge an FIR against the accused in light of the complaint of the Petitioner dated 25 June 2019.

3. Learned counsel for the Petitioner submitted that the police authorities are not registering the FIR and therefore direction as sought for is required.

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4. The sub-section 154(3) of section 154 of Cr.P.C. reads thus;

“154 (3) -

Any person, aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in sub-section (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence;”

As to the query whether the Petitioner has approached the Superintendent of police as per section 154(3), the learned counsel for Petitioner has drawn our attention to the documents annexed to the Petition. These are not specifically to the Superintendent of Police invoking the section 154(3). They are in the nature of general representations made to the various authorities, including the Human Right Commission and almost all police authorities. Such general representation is not contemplated under section 154(3), which specifically refers to concerned Superintendent of Police. Also unless the grievance is made under section 154(3) to

the concerned authority, it is difficult for the authority to take cognizance of the same in light of various commitments and duties. Learned counsel for the Petitioner accepts this position and states that the Petitioner will apply to the concerned Superintendent of Police under section 154(3).

5. In light thereof, the Writ Petition is disposed of. In case the Petitioner applies to the Superintendent of Police under section 154(3), the Superintendent of Police to proceed as per law and since the Petitioner first made complaint in the year 2019, may consider giving priority to the matter, subject of course to other earlier time bound commitments.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)