

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

CRIMINAL WRIT PETITION NO.60 OF 2022

Rajgopal Motilal Malpani

... **PETITIONER**

VERSUS

The State of Maharashtra & anr.

... **RESPONDENTS**

.....
Mr. P.G. Godhamgaonkar, Advocate for petitioner
.....

CORAM : R. G. AVACHAT, J.

DATE : 10th MARCH, 2022.

PER COURT :

Heard Mr. Godhamgaonkar, learned counsel for the petitioner. The respondent No.2 herein had filed proceedings/application against the petitioner for offences punishable under Sections 403, 418, 420, 423, 424 and 426 of the Indian Penal Code. The said complaint was dismissed for want of prosecution. The said order was taken exception to by filing a revision. The revisional Court upset the said order after hearing the petitioner herein. The observations in paragraph No.20 of the order impugned herein are eloquent. From those observations, it appears that the learned Magistrate had, in fact, directed the concerned police station to make investigation under Section 156(3) of the Code of Criminal

Procedure, meaning thereby, First Information Report might have been or must have been registered pursuant to the order passed by the Magistrate. In any case, no prejudice is caused to the petitioner herein by the order impugned, passed in Revision Application No.41/2021. The petitioner may have liberty to challenge the F.I.R., if any, registered pursuant to the order under Section 156(3) of the Code of Criminal Procedure. In view of the same, the Criminal Writ Petition stands disposed of.

**(R. G. AVACHAT)
JUDGE**

fmp/-