

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 CRIMINAL WRIT PETITION NO.839 OF 2022

VITTHAL GANPAT SALVE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Thombre Chandrakant V.
APP for the respondent – State : Mr. B.V. Virdhe
...

**CORAM : MANGESH S. PATIL &
ABHAY S. WAGHWASE, JJ.**

DATE : 20 OCTOBER 2022

PC :

The petitioner is praying for a direction to the Superintendent of Police, Beed to consider his request and direct registration of the crime pursuant to a complaint sent by him to the Superintendent of Police, Beed on 18-05-2022.

2. We have heard both the sides.

3. It does appear that the petitioner had submitted a compliant to the Superintendent of Police which latter had acknowledged on 18-05-2022 but nothing has thereafter transpired.

4. The grievance of the petitioner seems to be that his father Ganpati was having some deposit with a bank. His father died on 05-03-2017. All his heirs were entitled to receive the money from that

bank but only his mother, his two brothers and a sister approached the bank and got the money.

5. It is pointed out that in-fact, the heirship certificate under the Bombay Regulations Act, 1827 was issued by the competent Court in the joint name of petitioner and the afore-mentioned four persons.

6. Though *prima facie*, it does appear that the petitioner also was entitled to receive the sum which stood deposited in the name of his father, on the demise of the latter, along with his mother, brothers and sister, he could have taken recourse to the appropriate remedies as are available to him in law either civil or criminal.

7. Merely writing a communication to the Superintendent of Police without filing a private complaint seeking a direction under section 156(3) of the Code of Criminal Procedure or independently making an attempt to approach the Police and attempting to file FIR under section 154 of the Code of Criminal Procedure is not sufficient. He could have and should take recourse to such remedies. We cannot entertain the petition.

8. Keeping open all such remedies to the petitioner, we dispose of the petition.

[ABHAY S. WAGHWASE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/