

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

CRIMINAL WRIT PETITION NO. 1090 OF 2021

**LAXMINARAYAN HARIRAM MUNDADA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

.....
Advocate for Petitioner : Mr. Ajit B. Gaikwad (Patil)
APP for Respondent Nos.1 to 3 - State : Mr. S. J. Salgare
.....

**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 16 DECEMBER 2022

PER COURT :-

1. Learned advocate for the petitioner submits that on the last occasion, the matter was conducted by the learned advocate Ms. Rashmi Bhende. However, today due to personal difficulty she is not present. Learned advocate submits that accommodation be granted for placing of proper copies.

2. It is to be noted that all the copies which have been produced are legible and even the typed copy of the FIR has been produced.

3. The present petition was filed with two main prayers, i.e. (C) and (D). Prayer clause (D) was deleted as per the order passed by this Court on 06.10.2021. Only prayer clause (C) remains which reads thus :-

“(C) By an appropriate order, writ in the nature of mandamus or any other writ in the like nature, appropriate penal action may be taken against the Police Inspector, Police Station Pathri and Investigating Officer, Police Station, Pathri and the Superintendent of Police, Parbhani for not registering the Crime/FIR and not arresting the accused and seizing the vehicle involved in the crime and for that purpose issue necessary orders;”

4. Therefore, by this prayer the petitioner, who is informant submits that there was delay in lodging the FIR and the concerned police authorities have not acted as per requirement of law.

5. As regards the prayer clause (C) is concerned, section 22(B) of the Maharashtra Police Act provides for constitution of an authority called State Police Complaint Authority and section 22(Q) of Maharashtra Police Act deals with the powers and functions of the State Police Complaints Authorities.

As per section 22(Q)(1)(a), the said authority has power to inquire *suo-moto* or on a complaint against Police Officers presented to it by a victim or any member of his family or any other person on his behalf.

6. Section 22 of the said act provides that the authority after completing the inquiry should submit a report to the State Government. Therefore, when Statutory Authority has been created, the petitioner can redress his grievance before the said authority

under the same circumstance. Therefore, we do not find that this would be a fit case where we should exercise our constitutional powers.

7. Petition stands disposed of.

[ABHAY S. WAGHWASE, J.]

[SMT. VIBHA KANKANWADI, J.]