

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

928 CRIMINAL WRIT PETITION NO.1373 OF 2022

**RAHUL @ RAMA NAVNATH MULE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners : Mr. Ghorpade (Nawale) Jayashree T.
APP for Respondent/State : Mr. G.O. Wattamwar

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

DATE : 16.11.2022.

PER COURT :

Heard learned advocate for the petitioner as also the learned A.PP

2. The petitioners are putting up a grievance that they have been falsely implicated in a crime and over and above the investigating officer has exceeded his powers. He is now insisting the petitioners to claim the vehicle which he has seized in connection with the crime, even when they are not ready to oblige him. The petitioners have also alleged that the investigating officer has also threatened them of implicating in a false crime. They also want a CCTV footage of the police station to be looked into, which according to them substantiates their allegations.

3. After hearing both the sides it transpires that a Division Level Police Complaints Authority has been constituted under Section 22S of the Maharashtra Police Act, 1951 which has the power and jurisdiction to enquire into such grievance and make a report to the State Government, which power *inter alia* includes advising the State Government to take disciplinary proceeding or initiate a criminal action by registering the F.I.R.

4. Several disputed questions of facts are cropping up and all those cannot be gone into while exercising writ jurisdiction.

5. In view of availability of such machinery and mechanism to address the issue being raised by the petitioner, we direct the respondent No. 1 to refer the matter that is complaint dated 18.08.2022 to the Division Level Police Complaints Authority, as early as possible and in any event within two weeks from today.

6. The Criminal Writ Petition is disposed of.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)

mkd/-