

Bhimrao Baba Nikam and Ors. ...Petitioners
V/s.
State of Maharashtra and Ors. ...Respondents

Mr. Akshay R. Kapadia for the Petitioners.
Mrs. S.D. Shinde, APP for the State.

CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.
DATE : 20 June 2022.

P.C. :

Heard learned Counsel for the Parties.

2. Grievance of the Petitioners is that inspite of making a complaint to the concerned Police Station, cognizance of the same is not being taken and appropriate directions be given to the Respondent authorities. The learned Counsel for the Petitioners has relied upon the decision of this Court at Aurangabad Bench in the case of *Pawan R. Chandak v/s The State of Maharashtra and others*¹.

3. Firstly, the representation/complaint is made on behalf of the Association, with signatures of the Petitioners. Nothing stopped these Petitioners from individually making complaint on their own,

1 Criminal Writ Petition No.1293 of 2019, dtd. 17.02.2020

since they are ones who have filed this petition.

4. Considering the scheme of Sections 154 and 156 of Code of Criminal Procedure, if the complaint/FIR is not lodged then Sections 154 and 156 contemplate methodology for redressal of the grievance. The Supreme Court in the decision in the case of *Sakiri Vasu v/s State of Uttar Pradesh*² has observed that this methodology should be followed and not to directly file a Writ Petition or Application under Section 482 of the Act. As regards the decision of the Division Bench in the case of *Pawan Chandak* is concerned, the said decision is on different fact situation. The learned Counsel for the Petitioners states that Petitioners will take necessary steps in light of the above position.

5. With these observations, Writ Petition is disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)

² 2008(2) SCC 409