

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

CRIMINAL WRIT PETITION NO.127 OF 2021

Dr. Abdul Sami Nadvi

..Petitioner

Vs.

The Commissioner of Police
and anr.

..Respondents

Mr.B.V.Dhage, Advocate for petitioner

Mr.A.R.Kale, APP for respondent nos.1 to 3

Mr.Neha Kamble, Advocate for respondent nos.4 to 9

**CORAM : SMT. ANUJA PRABHUDESSAI
AND R.M.JOSHI, JJ.**

DATE : FEBRUARY 09, 2023

PER COURT :-

The petitioner herein seeks direction to the respondent nos.1 to 3 to register crime against the respondent nos.4 to 9 for the offences punishable under Sections 420, 467, 468, 448 and 120-B read with Section 34 of Indian Penal Code.

2. The petitioner claims to be the owner of Plot Nos.1 and 2 from Gut No.249, situated at Harsul Amber hill, Jatwada Road, Aurangabad. He claims that he had visited the property on

02.08.2020 and found presence of some other persons and on inquiry, he found that the property was sold to the respondent no.9 herein. The petitioner, therefore, lodged a complaint before Harsul Police Station, Aurangabad. Since no action was taken, the petitioner lodged a complaint before the Assistant Commissioner of Police, Aurangabad. The petitioner has alleged that no action has been taken and crime has not been registered. Hence, by this petition, the petitioner sought direction against the respondent nos.1 to 3 to register crime.

3. Learned APP states that the police have declined to register crime against the respondent nos.4 to 9 since the offence is of civil nature and that this fact has been informed to the petitioner.

4. In the event the police authorities have refused to register the crime in respect of a cognizable offence, the petitioner has remedy of either filing complaint under Section 156(3) of the Code of Criminal Procedure or a private complaint. Reliance is placed on the decision in the case of **M. Subramaniam Vs. S. Janaki, (2020)16 SCC 728**. In such circumstances, we do not wish to entertain the petition.

5. Hence, the petition stands dismissed with liberty to the petitioner to seek necessary relief by filing an application or complaint before the learned Magistrate.

[R.M. JOSHI, J.]

[SMT. ANUJA PRABHUDESSAI, J.]

KBP