

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

41 CRIMINAL WRIT PETITION NO.1268 OF 2021

**PANDURANG SONYABAPU SAWAJI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr.S.V. Mundhe, Advocate for the petitioner.
Mr.S.R. Yadav-Lonikar, APP for the respondent/State.
Mr.S.B. Kakade, Advocate for respondent No.3.

**CORAM : KISHORE C. SANT, J.
DATED : 09.03.2023**

PC :-

01. Heard for some time. The grievance of the petitioner is that the informant had approached police station and lodged false report against the petitioner. The police on the basis of the said information registered an NC. The petitioner approached the police stating that he was out of station on the date of incident and he was falsely implicated. Thereafter, the NC was registered on 11.09.2021. Subsequently, on 01.11.2021 the informant informed the Police that inadvertently he had mentioned name of the petitioner. The API, Parali Rural Police Station by letter dated 01.11.2021 informed the petitioner that it transpired in the inquiry that the informant had inadvertently mentioned name of the petitioner and therefore no action is taken against the petitioner.

02. Now the grievance of the petitioner is that the police should have taken action against the respondent for falsely implicating the petitioner.

However, the police, inspite of his application, have not taken any action against the informant. He has specifically given in the writing by communication dated 07.08.2021. He had also made communication to the District Superintendent of Police dated 27.09.2021. He, therefore, approached this Court that police be directed to take action against the informant i.e. respondent No.3 of this petition.

03. This Court finds that the police was under obligation to register information and carry out investigation/inquiry. Police have rightly done so. In this case, the police have rightly adopted the course and taken decision not to proceed against the petitioner.

04. So far as grievance of the petitioner is concerned that police should have thereafter taken action against the informant, this Court finds that the petitioner is at liberty to take recourse to the remedy available under law and for that this Court need not give any direction to police.

05. This petition is thus disposed off . It is open for the petitioner to avail remedy as provided under law against petitioner No.3, as advised.

[KISHORE C. SANT, J.]