

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1521 OF 2023

Ashabai Uddhav Thite

.... Petitioner

Versus

The State of Maharashtra
and others

.... Respondents

.....
Mr. Z.M. Pathan, Advocate for Petitioner
Mr. M.N. Nerlikar, APP for Respondents- State
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 26th OCTOBER, 2023

ORDER :

. Heard.

2. Reliance has been placed by the learned advocate for the petitioner on *Lalita Kumari Vs. Government of Uttar Pradesh and others, (2014) 2 SCC*, and the recent judgment in case of *Sindhu Janak Nagargoje Vs. State of Maharashtra and others*, (Criminal Appeal No. 2351 of 2023 arising out of SLP (Crl.) No. 5883 of 2020).

3. The petitioner has lodged first information report on 08.08.2023 alleging that one Anil Borkar and others, abused and assaulted her and her family members. Based on the same, crime No. 825 of 2023 has been registered with Newasa

Police Station. The investigation of the said crime is in progress.

3. The petitioner again approaches the very Police Station on 09.08.2023, and the office of Superintendent of Police and gives another report in writing. The averments therein are grossly inconsistent with the averments in F.I.R. dated 08.08.2023.

4. The petitioner moved this petition, seeking direction to the concerned police officer to register the crime based on written report dated 09.08.2023. Learned advocate for the petitioner claims to have video recording of the incident in mobile and the same is transferred into pen drive.

5. According to us, the petitioner has equally efficacious alternate remedy in the nature of soliciting order under Section 156(3) of the Code of Criminal Procedure. He may avail the same. If such an application is made, learned Magistrate shall decide the same on its own merits. With these observations, the petition stand disposed of.

[NEERAJ P. DHOTE]
JUDGE

[R.G. AVACHAT]
JUDGE