

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1878 OF 2022

ABHISHEK VIJAY BHAGAT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. S. P. Shirsat h/f Mr. N. L. Chaudhari, Advocate for
the Petitioner.

Mr. M. M. Nerlikar, APP, for the Respondent – State.

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CORAM : SMT. ANUJA PRABHUDESSAI &
R.M. JOSHI, JJ

DATE : MARCH 01, 2023

PER COURT :

1. The Petitioner herein seeks direction against the Respondent Nos. 2 and 3 to investigate and register offence as per the complaint dated 3rd and 4th December, 2022 lodged by him at Bhingar Camp Police Station, Ahmednagar.

2. The grievance of the Petitioner is that the despite complaint, concerned police officer has not registered the crime against those whose names are disclosed in the complaint. It may be mentioned that in N. Subramaniam and Another Vs. S. Janki and Another, (2020) 16 SCC 728, the Hon'ble Supreme Court has referred to the decision in Sudhir Bhaskarrao Tambe V.

Hemant Yashwant Dhage, (2016) 6 SCC 277, and has observed that if a person has a grievance that his FIR has not been registered by the police, or having been registered, proper investigation is not being done, then the remedy of the aggrieved person is not to go to High Court under Article 226 of the Constitution of India, but to approach the Magistrate concerned under Section 156(3) Cr.P.C.

3. In the light of the principles laid down in the aforesaid decision, in our considered view, the remedy available to the Petitioner is to approach to Magistrate under Section 156(3) of Cr.P.C. Hence, we are not inclined to entertain the Petition. Petition is accordingly dismissed.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)