

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL WRIT PETITION NO. 1544 OF 2022

Babasaheb Duraji Hiwale

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Sandesh More for the Petitioner

Ms. P. P. Shinde, A.P.P for the Respondents-State

**CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.
WEDNESDAY, 29th MARCH 2023**

P.C. :

1 By this petition, the petitioner seeks a direction to the respondent Nos. 3 and 4 to register an FIR as against respondent No. 2 i.e. API Mr. Sandip S. Warhade.

2 Learned A.P.P has filed an affidavit of Mr. A. M. Wagh, Police Inspector attached to Crime Branch, Unit-I, Nashik

City. In the said affidavit, it is stated that the police after investigation, have filed 'A' Summary report i.e. Accidental Summary Report on 17th January 2022. Learned A.P.P states that the said Accidental Summary Report has been accepted by the concerned Court. She further states that in view of the conclusion arrived at by the police, the aforesaid petition would not be maintainable.

3 Without going into the merits of the petition, in view of the judgment of the Apex Court in *Sakiri Vasu v. State of Uttar Pradesh*¹, we do not deem it appropriate to entertain the aforesaid petition and instead, permit the petitioner to avail of the alternate remedy available to him, as permissible in law.

4 The petition is accordingly disposed of with liberty as aforesaid.

1 AIR 2008 SC 907

5 Needless to state that we have not gone into the merits of the petition and as such, all contentions of all the parties on merits, are kept open.

6 All concerned to act on the authenticated copy of this order.

SHARMILA U. DESHMUKH, J. REVATI MOHITE DERE, J.