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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4889 OF 2022

Amit Sharad Waydande

...Petitioner

Versus

State of Maharashtra and Another

...Respondents

Mr. Rashi Sheth i/b. Mr. Rahul S. Kadam for the Petitioner.

Ms. S. S. Kaushik, APP for the State.

CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.

DATE : 11th AUGUST 2023

P. C. :

1. By this petition, the petitioner seeks the following
substantive reliefs:

[A] That this Hon'ble Court under its Criminal Appellate Writ Jurisdiction under Article 226 of the Constitution of India, 1950, be please to issue a Writ of Mandamus or any other appropriate Writ Direction and order and thereby direct the Respondents that pursuant to the application and complaints made herein in this Petition that offence/FIR to be registered against the accused person on the basis of statement of present Petitioner and thus criminal law has to set into motion.

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[B] That this Hon'ble Court under its Criminal Appellate Writ jurisdiction under Article 226 of the Constitution of India, 1950, be please to direct the Respondent State to initiate appropriate against the Respondents Police officers who have failed in their duty and Departmental Enquiry and all other permissible actions to be initiated against them for failing their duty.

2. The grievance of the learned counsel for the petitioner is that despite the statement dated 12th September 2022 which is annexed at Exhibit G at page 45 of the petition disclosing the commission of cognizable offence, police have failed to register an FIR.

3. Learned APP states that the police have inquired into the complaint made by the petitioner, which is at 'Exhibit G' at page 45 and after conducting a preliminary inquiry have informed the petitioner vide letter dated 20th September 2022, that there is no merit in the said complaint and as such have filed the said complaint. Learned APP relied on the document at Exhibit H at page 48 sent by the police of the Chatrushrunji Police Station to the petitioner informing him of the same.

4. Considering the report of the police, nothing survives for further consideration in the petition.
5. Needless to state, that the petitioner is at liberty to file appropriate proceeding as maintainable in law, before the appropriate forum/court.
6. We make it clear, that we have not gone into the merits of the complaint, which is at 'Exhibit G' to the petition at page 45 and as such keep all contentions of all the parties open.
7. Petition is disposed of in the aforesaid terms.

GAURI GODSE, J.

REVATI MOHITE DERE, J.