



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.736 OF 2023

[Ayub Khan Hakam Khan ..V/s.. State of Maharashtra and Anr.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr S. M. Vaishnav, Advocate for Petitioner.

Mr M. J. Khan, Addl. P. P. for Respondents.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.

DATE : 6th OCTOBER, 2023.

. Heard.

2. The Petitioner is a President of Trust registered under the provisions of Maharashtra Public Trust Act. The Petitioner received several complaints regarding irregularities and misappropriation against the Ex-President and certain members. The Petitioner has filed a report dated 09.07.2023 to concerned Police Station stating the misappropriation. According to the Petitioner, the Police instead of taking cognizance, *vide* communication dated 11.09.2023, informed that they would not take any action till Waqf Board makes inquiry into the matter.

3. The law in this regard is fairly well settled by the Hon'ble Supreme Court in the case of *Lalita Kumari vs. Government of Uttar Pradesh and Ors.* reported in *(2014) 2 SCC 1*. It is ruled that registration of FIR is mandatory, if the information discloses commission of cognizable offence. If the information does not disclose cognizable offence but

indicates the necessity for inquiry, then a preliminary inquiry may be conducted to ascertain whether cognizable offence would disclose.

4. In view of that the course adopted by the Police is not approvable under law. We direct the concerned Police to take necessary action as contemplated under para 120 of the above decision. The Petitioner is additionally directed to supply copy of this order alongwith the decision of the Hon'ble Supreme Court in above case to concerned Police Station for necessary action. The concerned Police shall take appropriate decision within four weeks from today.

5. With such directions, the criminal writ petition stands disposed of.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)