



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

986 CRIMINAL WRIT PETITION NO. 269 OF 2024

TANAJI UTTAMRAO MORE

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

.....Respondent

.....

Advocate for the Petitioner : Mr. Pravin N Kalani

APP for Respondents: Mr. M.M. Nerlikar

.....

CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 08.02.2024

PER COURT :

The petitioner, who is merely an eye witness, is making following prayers.

“A) The Criminal Writ Petition may kindly be allowed.

B) By way of passing appropriate writ, order or direction in the like nature, the respondent no. 2 to 5 may kindly be directed to investigate the Crime No. 325/2022 registered with police station Aundha Nagnath by following due procedure of law.

C) By way of passing appropriate writ, order or direction in the like nature, the respondent nos. 2 to 5 may kindly be directed to arrest the accused persons and to record the statements of witnesses in Crime No. 325/2022 registered with police station Aundha Nagnath, District Hingoli by following due procedure of law.

D) By way of passing appropriate writ, order or direction in the like nature, the respondent nos. 1 to 3 may kindly be directed to decide the representation dated 20/10/2022 submitted by the petitioner as early as possible and within stipulated time.

E) Pending hearing and final disposal of the Criminal Writ Petition, the respondent nos. 1 to 5 may kindly be restrained from deleting/dropping any offence from the F.I.R. bearing Crime No.

325/2022 registered with Police Station Aundha Nagnath, Dist. Hingoli which was registered for the offences punishable under Sections 143, 147, 149, 188, 353, 332, 324, 504 and 506 of I.P.C. and Section 135 Maharashtra Police Act.

F) Pending hearing and final disposal of the Criminal Writ Petition, the respondent nos. 1 to 5 may kindly be restrained from submitting final report in F.I.R. bearing Crime No. 325/2022 registered with Police Station Aundha Nagnath, Dist. Hingoli

G) Any other suitable, equitable relief in favour of the petitioner, remanding the matter, may kindly be granted”

2. Independent of the issue regarding his *locus standi*, keeping that issue open, he can resort to an appropriate proceeding before the trial court before whom the charge-sheet has been filed, in the light of the decision in the matter of ***Vinubhai Haribhai Malaviya and others; Vs. State of Gujarat and another; (2019) 17 SCC 1***. The application is disposed of with liberty as prayed for.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-