



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1163 OF 2024

Mohsin Khan Sher Khan

....Petitioner

VERSUS

The State of Maharashtra and Ors.

.....Respondents

.....

Mr. Kanade Angad Lala, Advocate for the Petitioner

Mrs. Vaishali N. Patil – Jadhav, APP for Respondent Nos.1 to 7

.....

CORAM : R. G. AVACHAT &
NEERAJ P. DHOTE, JJ.

DATE : 24.07.2024

PER COURT :

1. Heard the learned Advocate for the Petitioner.
2. Petitioner has made the following prayers :-

“A] The criminal Writ Petition may kindly be allowed.

B] May kindly be issued direction to respondent No.1 to 7 to conduct the enquiry and to register the crime in view of complaint dated 13.10.2023 moved by petitioner in the name of Dy. Police Commissioner, Circle-1, Police Commissioner Officer Chhatrapati Sambhajinagar (Aurangabad) against present respondent No.8 to 10 who have prepared bogus B.A.M.S. Degree of Shri Sai Ayurvedic Mahavidyalaya Aligad in the name of petitioner and on the basis of which false Crime No.124/2023 came to be registered at City Chowk Police Station Aurangabad on 18.04.2023 against the petitioner for the offences punishable U/s. 420, 468 & 471 of I.P.C. with collusion of each other.

C] Pass any such order which this Hon’ble Court deems fit and proper in favour of the petitioner.”

3. Learned Advocate for the Petitioner does not dispute that Petitioner is having alternate remedy in the nature of Section 156

(3) of the Code of Criminal Procedure, 1973 [hereinafter referred to as 'Cr.PC'] by approaching concerned Magistrate. Learned Advocate for the Petitioner submits that he has instructions to withdraw this Petition and approach the concerned Magistrate by filing complaint under Section 156(3) of Cr.PC.

4. In case, the Petitioner approaches the concerned Magistrate with the complaint under Section 156 (3) of Cr.PC, the same shall be considered on its own merits without getting influenced by this order.

5. Writ Petition is disposed of accordingly.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

Sameer