



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 CRIMINAL WRIT PETITION NO.1433 OF 2024

KARAN ASHOK KALUSHIYA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. N.B. Narwade, Advocate for applicant
Mr. N.R. Dayama, APP for respondent Nos.1 to 4

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CORAM : SMT. VIBHA KANKANWADI &
S.G. CHAPALGAONKAR, JJ.

DATE : 03rd OCTOBER, 2024

ORDER :

1 Heard learned Advocate for petitioner for a while.

2 Present petition has been filed for following relief -

“B. That, the respondent No.2 Superintendent of Police, State Crime Investigation Department, Nashik Region, Nashik may kindly be directed to decide the complaint/representation dated 01.03.2024 forwarded on 11.08.2023 as communicated by the Superintendent of Police, Railway Pune by letter dated 07.03.2024 and further be directed to take the necessary action against the guilty persons in Crime No.64/2023 registered with Ahmednagar Railway Police Station, Dist. Ahmednagar dated 05.08.2023 for the offences punishable under Section 304, 330, 384, 323, 324 read with Section

34 of the Indian Penal Code and under the provisions of Section 3(r) (2)(v), 3(2) (vii) 5 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.”

3 Taking into consideration the decisions in **Sakiri Vasu vs. State of Uttar Pradesh and others** [(2008) 2 SCC 409], **Sudhir Bhaskarrao Tambe vs. Hemant Yashwant Dhage and others** [(2016) 6 SCC 277] and **M. Subramaniam and another vs. S. Janaki and another** [(2020) 16 SCC 728], learned Advocate for petitioner submits that the petitioner would take up the proceedings under Section 156(3) of the Code of Criminal Procedure.

4 We make it clear that we are not expressing anything on merits, however, in view of these decisions of the Hon’ble Supreme Court, certainly this Court cannot give direction to decide the complaint or representation which is in a way or indirectly asking for registration of the First Information Report, but as is observed in **M. Subramaniam** (supra) if such recourse is taken by the petitioner i.e. under Section 156(3) of the Code of Criminal Procedure, then the concerned Magistrate to decide it on its own merits. With these observations writ petition stands disposed of as withdrawn.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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