



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

10 CRIMINAL WRIT PETITION NO.1912 OF 2024

ABDUL HUSSAIN HASAN ALI BOHRI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Ms. Karishma Sarin h/f Mr. V. D. Khivesara, Advocate for the Petitioner.
Mr. A. V. Lavte, APP for Respondents/State.
...

**CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.**

DATE : 09 DECEMBER 2024

ORDER :

. Present petition has been filed invoking the constitutional powers of this Court under Article 226 of the Constitution of India to direct respondent Nos.1 to 5 to treat the complaint dated 05.03.2024 given by the petitioner to respondent No.5 Police Inspector as the FIR and to conduct the investigation accordingly.

2. Heard learned Advocate for the petitioner. After taking us through the complaint dated 05.03.2024, learned Advocate for the petitioner submits that though the FIR came to be lodged on 18.07.2024, no investigation has been carried out by respondent No.5, rather the present petitioner is being harassed by respondent No.5. Further, even though the said FIR was

registered for the offence under Section 420 read with Section 34 of Indian Penal Code, respondent No.5 failed to register the said F.I.R. for the offences under Sections 409, 417, 420, 466, 467, 468, 471, 472 and 120(B) of Indian Penal Code.

3. Here, when the petitioner seeks registration of the FIR and the investigation thereof, then we are guided by the decisions in ***Sakiri Vasu Vs. State of U.P. and Ors.*, [(2008) 2 SCC 409]**, ***Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhage and Ors.*, [(2016) 6 SCC 277]** and ***T.C. Thangaraj Vs. V. Engammal and Ors.*, [(2011) 12 SCC 328]**, which have been then referred in ***M. Subramaniam and Ors. Vs. S. Janaki and Ors.*, [(2020) 16 SCC 728]**, wherein the Hon'ble Supreme Court has held that the petitioner/complainant will have to approach Magistrate under Section 156(3) of the Code of Criminal Procedure and the High Courts should not entertain such petitions under Section 482 of the Code of Criminal Procedure or under Article 226 of the Constitution of India.

4. In view of the said legal position, the writ petition stands disposed of with liberty to the petitioner to approach the Magistrate as provided under the law.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm