



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1956 OF 2024

Rajendra Kashinath Pingale,
Age: 63 yrs., Occu: Doctor,
R/o: H. No. 1592, Kasar Galli,
Tq. Amalner, Dist. Jalgaon

.. Petitioner

Versus

1. The State of Maharashtra,
Through the Special Inspector General of Police,
Nashik, Dist. Nashik.
2. The Superintendent of Police,
Jalgaon, Dist. Jalgaon
3. The Deputy Superintendent of Police, Amalner,
Tq. Amalner, Dist. Jalgaon
4. The Police Inspector,
Amalner Police Station,
Tq. Amalner, Dist. Jalgaon.
5. Bhagwan Shirsath,
Police Sub Inspector ,Investigating Officer
Amalner Police Station,
Tq. Amalner, Dist. Jalgaon.

.. Respondents

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Ms. V. D. Khivesara h/f Mr. A. S. Bajaj, Advocate for petitioner.
Mrs. R. P. Gour, APP for the respondent Nos.1 to 4/State.

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

DATE : 17 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 the respondents to take necessary action of search, seizure and recovery in respect of the stolen items as mentioned in the F.I.R. bearing Crime No.317 of 2024 dated 27.06.2024 filed by the Petitioner and take necessary actions as against the perpetrators, and carry out necessary investigation.

2. Heard learned Advocate for the petitioner. After taking us through the complaint dated 16.06.2024, learned Advocate for the petitioner submits that the landlord along-with his 2 sons and 3 other persons entered into the premises and started to demolish the premises and have completely razed the dwelling house of the Petitioner. He submits that after filing complaint dated 16.06.2024, the petitioner again made representation dated 21.06.2024 to respondent No.2 and also forwarded a copy of the same to respondent No.1 along with photographs to the concerned Police Station. He submits that after continuous follow up, the police authorities registered FIR on 27.06.2024 i.e. 14 days after the incident. He further submits that despite complaint of the Petitioner and providing evidence such as photographs of the vehicle and the individuals involved, the police authorities have failed to take any action till date. He further submits that as of today also no concrete step of arrest, seizure

etc. have been taken against the said perpetrators. Being aggrieved by the inaction on the part of the Police Authorities the petitioner has filed present writ petition.

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