

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL WRIT PETITION NO.383 OF 2024

Sharad Ashok Agarwal

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Yashpal Thakur, for the Petitioner.

Mr. R. M. Pethe, A.P.P for the Respondent – State.

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.***

DATE : 8th MARCH 2024

P.C. :

1. Heard learned counsel for the parties.
2. It is not in dispute that after a complaint letter was addressed to the Commissioner of Police, Pune on 13th October 2020, without waiting for the report of the hand-writing-expert, the petitioner filed a private complaint before the learned Judicial Magistrate First Class, Pune, seeking investigation under Section 156(3) of the Code of Criminal Procedure. It appears that the learned

Magistrate, rejected the said prayer of the petitioner seeking investigation under Section 156(3) Cr.PC, against which the petitioner has filed a Revision Application before the learned Sessions Judge, Pune, being Criminal Revision Application No.198 of 2023.

3. Learned counsel for the petitioner submits that in the interregnum, after the order passed by the learned Magistrate rejecting the petitioner's prayer for 156(3) investigation and after Criminal Revision Application was filed, the petitioner received the FSL Report.

4. Admittedly, the FSL Report was not placed before the learned JMFC. Be that as it may, since the Criminal Revision Application is filed before the learned Sessions Judge, Pune and the learned Sessions Judge, is seized of the matter, we do not deem it appropriate to entertain the aforesaid petition which seeks a direction for registration an FIR.

5. We make it clear, that we have not heard the petition on merits and as such all contentions of all parties on merits are kept open. We also make it clear, that we are not inclined to entertain the petition only because the petitioner's revision application is pending before the learned Sessions Judge. We are informed that the Criminal Revision Application is pending since 2023 and as such direct the learned Sessions Judge to decide the said Revision Application expeditiously.

6. The petition is accordingly disposed of with the aforesaid observations.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.