



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 302/2022

(Mukesh s/o Ramchandra Pal Vs. The Commissioner of Police, Nagpur & ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Y. D. Shukla, Advocate for petitioner.
Mrs. S.V. Kolhe, APP for respondent Nos. 1 & 2.

CORAM: VINAY JOSHI AND
MRS. VRUSHALI V. JOSHI, JJ.

DATED : 16/01/2024.

Heard.

2. The petitioner seeks direction against the respondents Police Authorities for registration of crime and carry further investigation. It is petitioner's case that he has filed a report with the Police on 07.02.2022 alleging the offences of forgery, fraud etc. According to the petitioner, though the report pertains to commission of cognizable offence, the Police did nothing, rather the Police informed vide communication dated 04.04.2022 that the allegation pertains to civil nature, hence application is came to be filed.

3. It is petitioner's contention that without going into the factual aspect of the grievance, the Police wrongly concluded that the dispute is of civil nature. In-fact, if the Police did not take cognizance, the petitioner ought to have applied to the Magistrate seeking appropriate direction under Section 156(3) of the Code of Criminal Procedure ('Code').

4. In writ jurisdiction, we are not inclined to assume the role of the Magistrate to go into the facts, whether the commission of cognizable offence has been made out.

5. In view of above, petition stands disposed of. The petitioner at liberty to apply to the concerned Magistrate under Section 156(3) of the Code. If such application is filed, the learned Magistrate shall consider the facts and pass necessary orders in accordance with law.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

Gohane