



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 352/2024.

Sayyad Ayaz Ali Magdum Ali and another.

-VERSUS-

State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri R.R. Vyas, Advocate for Petitioners.

Ms S.S. Jachak, A.P.P. for Respondents.

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

DATE : SEPTEMBER 23, 2024.

Heard.

2. It is the grievance of petitioners that time and again they have filed applications to the police pertaining to commission of a non-cognizable offence, but, despite registering NC, no further steps have been taken. It is contended that on the strength of power of attorney executed by co-accused, the proposed accused have assaulted and made tress pass. According to petitioners one

of the proposed accused is a Member of Parliament that is why the police are not taking any action.

3. The learned Counsel for petitioners has drawn our attention to Section 155[1] of the Criminal Procedure Code which mandates that on receipt of information regarding non-cognizable offence, the police shall make entry into the relevant register and refer the informant to Magistrate. In other words the non-cognizable report shall be referred to the Magistrate, who in turn would take appropriate action.

4. The State has filed reply contending that on the basis of the information, non-cognizable offence was registered. According to State, further the complainant himself is not cooperating nor appearing before the police for giving material, and therefore, the matter has not progressed further.

5. In the wake of such position, we direct the complainant/petitioners to appear before the concerned investigating officer within a period of two weeks. The investigating officer shall thereafter

complete the procedure so that the matter can be proceeded further in accordance with law.

6. Criminal Writ Petition is disposed of with above directions.

JUDGE

JUDGE