



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

CRIMINAL WRIT PETITION NO. 712/2024

Anil S/o. Jaydayal Taneja

Vs.

The State of Maharashtra and Ors.

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

Court's or Judge's orders

Mr. Shil Dewani, Advocate for Petitioner.
Mr. M. K. Pathan, A.P.P. for Respondents/State.

CORAM : VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 06/09/2024.

. Heard.

2. The petitioner seeks for quashing of communication dated 19.06.2024 issued by Police Station Sitabuldi, District Nagpur and for registration of crime on the basis of written report dated 23.03.2024 lodged by the petitioner.

3. The petitioner is running a proprietary concern stated to be having Head Office at Nagpur. The petitioner has branch office at Raipur. One Ravindra Mahajan was employed at Raipur office where he allegedly misappropriated huge funds and, therefore, the petitioner has filed a report with the police of Sitabuldi Police Station, Nagpur dated 23.03.2024 informing about Commission of cognizable offence obviously with an urge to register crime.

4. The impugned communication discloses that the concerned employee was working at Raipur branch. The allegations about misappropriation were at Raipur and,

therefore, the police directed the petitioner to approach to the Raipur police. In the result, cognizance was not taken about the police report filed by the petitioner.

5. Learned Counsel appearing for the petitioner has questioned the action of police by submitting that in terms of Section 173 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.), the police are duty-bound to register a crime irrespective of the area where the offence is committed. In other words, according to the petitioner, if the jurisdiction lies at Raipur, then the Sitabuldi police ought to have registered the crime and transferred it to the Raipur.

6. Concededly, the petitioner has not approached to the Higher Police Authorities nor to the Magistrate for taking cognizance and directions for registration of crime. Section 173(4) of the B.N.S.S. Act provides a remedy to the aggrieved informant that on refusal of the registration of crime by concerned police, he has to apply in writing to the Superintendent of police and, then to the Magistrate. Concededly, those steps have not been taken.

7. It is the petitioner's contention that, even if, Sitabuldi police were of the view that they did not have jurisdiction, they ought to have registered crime and send it to Raipur. The petitioner would submit that it is not a case of refusal of registration of crime, but police directed him to approach to Raipur police.

8. In our view, the result is that the Sitabuldi police whatever may be the reasons have declined to register the crime. As said above, it is the duty of police to

register the crime irrespective of the place of offence in terms of Section 173(1) of the B.N.S.S. Act. Of course, now it is permissible for police to conduct a preliminary enquiry to access the fact and then take further appropriate steps as permissible under law.

9. The petitioner though had a statutory remedy under Section 173(4) of the B.N.S.S. Act to put his grievance, however, the said recourse was not applied. In the circumstances, we are not inclined to entertain the petition to grant the reliefs as prayed for. The petitioner may take recourse to the remedy provided under law for redressal of his grievance.

10. The petition stands disposed of in above terms.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)