



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

Criminal Writ Petition No.108 of 2024

Janrao Govindrao Augad & another

vs.

State of Maharashtra, through P.S.O. Gadge Nagar, Amravati

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

Court's or Judge's Orders

Mr. Parvez Mirza, Advocate for the Petitioners.

Mr. A.M. Kadukar, A.P.P. for the Respondent sole.

CORAM : **M.W. CHANDWANI, J.**
DATE : **13th FEBRUARY, 2024.**

Heard.

02] Liberty to add the proposed accused as a party-respondent is granted. Amendments be carried out forthwith.

03] The order dated 19/06/2023 rejecting the application of the petitioners for direction to the Police Station to investigate the matter under Section 156(3) of the Code of Criminal Procedure, is under challenged in this petition. The petition also lays challenge to the order dated 24/11/2023 passed by the Additional Chief Judicial Magistrate-5, Amravati dismissing the complaint for want of prosecution.

04] The contention is that, the petitioners had only sought direction under Section 156(3) of Cr.P.C. for investigation. But, after rejecting the application, the Court by the impugned order given liberty to proceed with the complaint according to the law. In fact, the said application was not in the form of complaint. The said application was registered as complaint behind the back of the applicants/petitioners, to which the petitioners were unaware and thereafter the

said complaint was dismissed for want of prosecution.

05] After the amendments are carried out, notice be issued to the respondents, making it returnable within three weeks.

06] The learned A.P.P. waives service of notice for the respondent/State.

JUDGE

**sandesh*