



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

CRIMINAL WRIT PETITION NO. 122 OF 2024

Ramkumar S/o. Jugalkishor Daga and others

Vs.

The Police Station, Hinganghat and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. D. Abhyankar, Advocate for petitioners.
Shri Aalap Palshikar, APP for respondent no. 1/State.

CORAM :- M. W. CHANDWANI, J.

DATED :- 23.02.2024

Heard.

2. The petition challenges the order dated 08.11.2023, passed below Exh. 8, by the learned Additional Sessions Judge, Hinganghat in Criminal Revision No. 6/2023, whereby the application of the petitioners for rejection of the revision came to be rejected.

3. The contention is that the petitioners have filed an application under Section 156(3) of the Code of Criminal Procedure for direction for investigation. The learned Judicial Magistrate First Class, Hinganghat directed the concerned Police Station to register and investigate the crime. Pursuant to which, the First Information Report No. 386/2023 came to be registered by the Police Station Hinganghat. The said order came to

be challenged by way of revision before the learned Additional Sessions Judge by respondent no. 2, wherein the petitioners filed an application (Exh.8) for dismissal of revision on the ground that Revisional Court has no power to quash the FIR therefore, sought dismissal of the revision. By the impugned order, the said application came to be rejected.

4. According to the learned counsel for the petitioners, the Sessions Court under revisional jurisdiction has no power to quash the FIR therefore, the revision filed by the respondent no. 2 is not maintainable. To buttress his submission, he seeks to rely on the decision of the Principal Bench of this Court in the case of ***Kailash Dattatraya Jadhav Vs. State of Maharashtra (Criminal Application No. 152/2015, decided on 04.05.2016)***.

5. Issue notice to the respondents, returnable in two weeks.

6. The learned APP waives service of notice for respondent no. 1/State.

7. The Trial Court shall not proceed in the matter till the next date of hearing.

(M. W. CHANDWANI, J.)