



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

10 CRIMINAL PUBLIC INTEREST LITIGATION NO. 13 OF 2022

**SHAIKH HUSSAIN DADABHAI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the Petitioner : Mr. Mahesh Bhosle h/f Mr. Manjur A. Shaikh

APP for Respondent Nos.1 to 8-State : Mr. A.R. Kale

Advocate for Respondent No.9 : Senior Advocate Mr. Rajendraa Deshmukh a/w Mr. Ramankumar G. Dodiya i/b Mr. Vijay P. Latange

Advocate for Respondent No.11 : Mr. S.S. Gangakhedkar h/f Mr. U.L. Momale

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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

Dated : 13th June 2025

PER COURT :-

1. In view of order dated 20th February 2025, Police Inspector Mr. Krushna K. Shinde, Pundlik Nagar Police Station, Chhatrapati Sambhajnagar is present before us. Through learned APP, he produces on record the communication and also the copy of C.R. No.0253 of 2025, registered with Pundlik Nagar Police Station, Chhatrapati Sambhajnagar, for the offences punishable under Sections 420, 409, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code, 1860.

2. It is to be noted that, by our order dated 20th February 2025, we had only asked to the learned APP to take the instructions from the concerned Police Inspector as the statement was made that the Police Inspector would take some decision regarding registration of the crime and whether such decision has been taken by him or not. We cannot forget the legal position that this Court cannot direct registration of the First Information Report (for short "the F.I.R") and if the police authority is not registering the F.I.R., then other remedy is available to such aggrieved person as per the Code of Criminal Procedure, 1973 as well as now under Bharatiya Nyaya Suraksha Sanhita, 2023. In order to support the statement, we would like to rely upon the judgment of the Hon'ble Apex Court in the case of ***Lalita Kumari Vs. Government of Uttar Pradesh and Ors., [AIR 2014 SC 187]***, wherein directions were given that it is mandatory for the police to register the F.I.R. when the facts disclosed commission of cognizable offence. In the cases of ***Sakiri Vasu Vs. State of U.P. and Ors., [(2008) 2 SCC 409]***, ***Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhage and Ors., [(2016) 6 SCC 277]*** and ***M. Subramaniam and Ors. Vs. S. Janaki and Ors., [(2020) 16 SCC 728]***, wherein it is clearly stated that the High Court under its writ jurisdiction cannot give directions to register the F.I.R. but such person will have to resort to the alternate remedy under section 156(3) of Cr.P.C.

3. Now the F.I.R. appears to have been registered. Though the learned Advocate for the petitioner has some grievance about who could have been added as an accused, we cannot go into that aspect. For this also, legal provisions are available and therefore, now nothing remains in the present petition. We dispose of the petition.

4. The petitioner is stated to have been deposited an amount of Rs.1 Lakh to show his bonafides. By transferring amount of Rs.25,000/- to the High Court Legal Services Sub-Committee, Aurangabad, rest of the amount be returned to the petitioner.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd