



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

13 CRIMINAL WRIT PETITION NO.55 OF 2025

BALASAHEB NAMDEORAO PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. M.P. Kale, Advocate h/f Mr. S.A. Ambad, Advocate for petitioner
Mr. N.R. Dayama, APP for respondent Nos.1 and 2

...

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

DATE : 18th JULY, 2025

ORDER :

. Present petition has been filed for directing respondent authorities to decide complaints dated 16.06.2024 and 29.10.2024 filed by him.

2 Heard learned Mr. M.P. Kale holding for learned Advocate Mr. S.A. Ambad for petitioner and learned APP Mr. N.R. Dayama for respondent Nos.1 and 2.

3 Learned Advocate for petitioner submits that a written complaint was made by petitioner regarding cognizable offence with respondent No.2, however, he had not taken cognizance of same. Again the proposed accused was threatening the petitioner and, therefore, the petitioner approached

respondent No.1 and that is how the communications dated 16.06.2022 and 29.10.2024 came to be given to respondent Nos.2 and 1 respectively, however, yet neither the reply has been given nor action has been taken.

4 In view of the decisions in **Sakiri Vasu vs. State of Uttar Pradesh and others** [(2008) 2 SCC 409], **Sudhir Bhaskarrao Tambe vs. Hemant Yashwant Dhage and others** [(2016) 6 SCC 277] and **M. Subramaniam and another vs. S. Janaki and another** [(2020) 16 SCC 728] this Court cannot issue directions for the registration of the offence. Under such circumstance, there is no point in directing respondents to decide the complaint. In fact, directing to decide the complaint includes registration of First Information Report and, therefore, such directions cannot be issued. The petitioner has not explained as to why he has not approached the learned Magistrate under Section 156(3) of the Code of Criminal Procedure. Now, learned Advocate for petitioner submits that petitioner be given liberty to approach the Magistrate under Section 156(3) of the Code of Criminal Procedure. He seeks withdrawal of petition. The same course was adopted in **M. Subramaniam** (supra) and, therefore, we are also adopting the same. The petition stands dismissed as withdrawn with liberty as prayed.

(**SANJAY A. DESHMUKH, J.**)
agd

(**SMT. VIBHA KANKANWADI, J.**)