



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 CRIMINAL WRIT PETITION NO. 65 OF 2025

Siddharth Anandrao Tejhad

VERSUS

The State of Maharashtra and others

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Advocate for the Petitioner : Mr. Krushna S. Solanke

APP for Respondents: Mr. G. A. Kulkarni

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

DATED : 2nd APRIL, 2025

PER COURT :-

1. The present writ petition has been filed for directions to respondent Nos. 2 and 3 to register the crime on the basis of enquiry report.

2. Heard learned advocate for the petitioner and learned A.P.P. for respondent Nos. 1 to 3, who waived notice for them.

3. The petitioner is stated to be Taluka President of Vanchit Bahujan Aghadi for Vaijapur Taluka. He had given representation to the Divisional Commissioner, Aurangabad on 20.01.2022 regarding illegal excavation of sand. It appears that thereafter, the panchanama was carried out and the report was given to the Collector, Aurangabad. It also appears that some action regarding

fixing of the responsibility of the revenue officers was also undertaken. Thereafter, the petitioner had filed written complaint on 24.12.2024 with Police Inspector, Shivur police station, Tq. Vaijapur, district Chhatrapati Sambhajnagar, which appears to have not been taken cognizance of and thereafter, he had made complaint to the District Superintendent of Police, Chhatrapati Sambhajnagar, on 26.12.2024. The copies of the same are received by the concerned authorities. It appears that in the enquiry, the in/charge Collector, Chhatrapati Sambhajnagar had taken disciplinary action against the Circle Officer, Mr. Deepak Karale and had imposed punishment under the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979. Similar action was also taken against one Ashok Tambus, the then Circle Officer, who thereafter stood retired. Now the petitioner submits that action under criminal law was not set in motion by the concerned authorities, on basis of his representation/complaint.

4. We would like to rely upon the judgments of the Apex Court 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 ***T.C. Thangaraj Vs. V. Engammal and Ors., [(2011) 12 SCC 328]***, which have been then referred in ***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.

5. When the law was clarified to the learned advocate for the petitioner, upon instructions, from the petitioner, he seeks withdrawal of the petition with liberty to approach the concerned Magistrate. We would like to observe that the Hon'ble Supreme court in the case of ***M. Subramaniam and Ors. Vs. S. Janaki and Ors., (supra)*** has given liberty to the complainant to approach the Magistrate under Section 156(3) of the Code of Criminal Procedure. We are also giving liberty to the petitioner to approach the concerned Magistrate under Section 156(3) of Cr.P.C. and if such application is made, it should be decided by the concerned Magistrate, on its own merits.

6. With these observations, we dispose of the writ petition.

(SANJAY A. DESHMUKH, J.) (SMT. VIBHA KANKANWADI, J.)

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