



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

39 CRIMINAL WRIT PETITION NO. 150 OF 2020

Dr. Baburao Sundarrao Salunke

.. Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Home Department,
Mantralaya, Mumbai-32.
2. The Superintendent of Police,
Parbhani, Tq. And Dist. Parbhani.
3. The Police Inspector,
Kotwali Police Station, Parbhani.
Tq. And District Parbhani.

.. Respondents

...

Mr. D. J. Choudhary, Advocate for the Petitioner.
Mr. A. D. Wange, APP for Respondent Nos.1 to 3/State.

...

**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 09 SEPTEMBER 2025

ORDER :

. Heard learned Advocate for the petitioner. Present petition has been filed for following relief :-

“C) The respondent Nos.1 to 3 may please be directed to register the First Information Report against the responsible persons, on the basis of the complaint dated 02.09.2019 submitted to respondent No.2 on 03.09.2019, by issuing writ of mandamus or any other appropriate writ, order or direction, in the nature of writ of mandamus;”

2. It is stated that the complaint was made to the appropriate authority on 02.09.2019 and 03.09.2019 respectively, however, no cognizance has been taken.

3. We would like to reply on the decision in ***Sakiri Vasu Vs. State of Uttar Pradesh and others, 2008 (2) SCC 409***, wherein it has been observed thus :-

25. we have elaborated on the above matter because we often find that when someone has a grievance that the First Information Report has not been registered at a police station and/or an appropriate investigation is not being done by the police, he rushes to the High Court to file a writ petition or a petition under Section 482 Cr.P.C. We are of the opinion that High Court should not encourage this practice and should ordinarily refuse to interfere in such matters and relegate the petitioner to his alterating remedy, firstly under Section 154(3) and Section 36 Cr.P.C. before the concerned police officers and if that is of no avail, by approaching a Magistrate concerned under Section 156(3).

26. If a person has a grievance that his FIR has not been registered by the police station his first remedy is to approach the Superintendent of Police under Section 154(3) Cr.P.C. or other police officer referred to in Section 36 Cr.P.C. If despite approaching the Superintendent of Police or the officer referred to in Section 36 his grievance still persists, then he can approach a Magistrate under Section 156(3) Cr.P.C. instead of rushing to the High Court by way of a writ petition or a petition under Section 482 Cr.P.C. Moreover he has a further remedy of filing a criminal complaint under

Section 200 Cr.P.C. Why then should writ petitions or Section 482 petitions be entertained when there are so many alternative remedies?

4. A decision in ***Sakiri Vasu (supra)*** was then relied in case of ***T.C. Thangaraj vs. V. Engammal & others, 2011(12) SCC 328*** and ***Sudhir Bhaskarrao Tambe vs. Hemant Yashwant Dhage and others, 2016(6) SCC 227*** and ***M. Subramaniam and others vs. S. Janaki, 2020 (16) SCC 728***. Therefore, in view of the specific observations by the Hon'ble Supreme Court, we do not take this to be a fit case where we should exercise our powers under Article 226 of the Constitution of India, however, the petitioner has remedy to approach the Magistrate under Section 156(3) of the Code of Criminal Procedure and we adopt the same view as was adopted in case of ***M. Subramaniam (supra)*** and grant liberty to the petitioner to approach the learned Magistrate of competent jurisdiction under Section 156(3) of the Code of Criminal Procedure. If such application is made, then the concerned Magistrate to decide it on its own merits.

5. With these observations, writ petition stands disposed of.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm