



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

5 CRIMINAL WRIT PETITION NO. 370 OF 2025

**TUKARAM SOPAN KORAKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Mr. Ravibhushan P. Adgaonkar Advocate for Petitioner.
Ms. R.P. Gour, A.P.P. for Respondents.
...

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

DATE : 12th JUNE 2025

ORDER :

1. Present petition has been filed to direct the respondent authorities to register the First Information Report (for short "the FIR") as per the complaint filed by the petitioner on 17th October 2024 to Police Inspector, Chakur Police Station, Taluka-Chakur, District-Latur.
2. Heard learned Advocate Mr. Adgaonkar appearing for the petitioner as well as learned APP for respondents. Learned APP waives notice for respondents.
3. Learned Advocate for the petitioner has taken us through

the complaint application that was filed by the petitioner on 17th October 2024 as well as the complaint that was filed by him to Superintendent of Police, Latur on 4th November 2024 and submits that though cognizable offence has been made out, offence has not been registered.

4. We are guided by the decisions in *Sakiri Vasu Vs. State of Uttar Pradesh and others, 2008 (2) SCC 409*, which was then followed in *T.C. Thangaraj vs. V. Engammal & others, 2011(12) SCC 328*, *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*. In *Sudhir Bhaskarrao Tambe vs. Hemant Yashwant Dhage and others*, (supra), it is specifically observed that in *Sakiri Vasu Vs. State of Uttar Pradesh and others*, (supra), guidelines have been given as to how this Court cannot entertain the prayer for direction to register the FIR. It is specifically observed that when there is specific provision under Section 156(3) of the Code of Criminal Procedure (old) and present Section 175 of Bhartiya Nagarik Suraksha Sanhita (for short "the B.N.S.S.") empowering the Magistrate to order investigation upon compliance of the procedure laid down in 175(3) and 175(4) of B.N.S.S., as the case may be, the High Court should not entertain such petitions.

It has been further observed that, if the High Courts entertain such writ petitions, then they will be flooded with such writ petitions and will not be able to do any other work except dealing with such writ petitions. In spite of these decisions, we come across the writ petitions wherein then we are required to point out the position of law and give liberty to the petitioner to approach the learned Magistrate on the similar footing as was taken by the Hon'ble Supreme Court in *M. Subramaniam and others vs. S. Janaki*, (supra).

5. Learned Advocate for the petitioner submits that he may be allowed to withdraw the Petition, upon instructions, taking into consideration the legal position, with liberty to the petitioner to approach the Magistrate under Section 175 of the B.N.S.S.

6. In view of the above observations, the Petition stands disposed of as withdrawn with liberty to the petitioner to approach the learned Magistrate under Section 175 of the B.N.S.S and if such course is taken, the learned Magistrate to decide such application on its own merits.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE