



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.2091 OF 2019

Saudagar Mohammad Rafi,
Age-48 years, Occu:Chairman/Social Worker,
R/o-Mu. Po.-Walandi, Taluka-Devni,
District-Latur.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Education Minister,
Government of Maharashtra,
- 2) The Director General of Police,
Government of Maharashtra,
Mumbai,
- 3) The Inspector General of Police,
Nanded, Taluka and District-Nanded,
- 4) The Police Sub Divisional Officer,
Police Sub Divisional Office,
Gandhi Chowk,
Taluka and District-Latur,
- 5) The Superintendent of Police,
Superintendent of Police Office,
Latur, Taluka and District-Latur,
- 6) The Deputy Director of Education,
Latur, Taluka and District-Latur,
- 7) The Police Inspector,
Gandhi Chowk Police Station,
Gandhi Chowk,
Taluka and District-Latur,

- 8) The Police Inspector,
Police Station (City),
Shivaji Chowk, Latur,
Taluka and District-Latur,
- 9) The Education Officer (Secondary),
Jillha Parishad Latur,
Taluka and District-Latur,
- 10) Mrs. Quadri Fatima Anjum,
Age-Major, Occu:Secretary,
R/o-Church Road, Udgir,
Taluka Udgir, District-Latur.
- 11) Mrs. Mirza Vahiedali Mohammad Ali,
Age-68 years, Occu:Pensioner,
R/o-Behind Bidar Naka,
Taluka Udgir, District-Latur.

...RESPONDENTS

...
Mr. Shakil U. Shaikh Advocate for Petitioner.
Mr. A.M. Phule, A.P.P. for Respondent Nos. 1 to 9.
Mr. Hanmant V. Patil Advocate for Respondent Nos.10 & 11.
...

WITH
CRIMINAL APPLICATION NO. 985 OF 2020
IN WP/2091/2019

Shaikh Gayasuddin Abdul Rashid
and another.

...APPLICANTS

VERSUS

Saudagar Mohammad Rafi
and others.

...RESPONDENTS

CORAM: SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 20th SEPTEMBER, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Heard learned Advocate for the petitioner. Present Petition has been filed to direct respondents No.1 to 5 and 7 to 8 to inquire into the matter and take legal action against Respondent No.6, 9, 10 and 11.

2. The petitioner is relying on certain documents and the complaints lodged by the petitioner on 13th November 2018, 14th November 2018, 7th January 2019, 26th March 2019, 15th June 2019 and pointed out the illegalities committed by Liberal Education Society, Udgir and also by respondent Nos.10 and 11. It is submitted on behalf of the petitioner that respondent Nos.1 to 5 and 7 to 8 failed to take action against respondent Nos.6, 9, 10 and 11 and also failed thereby not registering a criminal offence against respondent Nos. 6, 9, 10 and 11.

3. Thus, as aforesaid, the directions have been sought in the nature of directions to lodge the First Information Report against the concerned respondents. However, we would like to consider the decision in ***Sakiri Vasu Vs. State of U.P. and Others, [(2008) 2 SCC 409]***, which is then again considered in ***T.C. Thangaraj Vs.***

V. Engammal and Others, [(2011) 12 SCC 328]. In ***Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhage and Others, [(2016) 6 SCC 277]*** , after taking note of the decision in ***Sakiri Vasu Vs. State of U.P. and Others*** (supra), it has been 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. "

4. In ***Sakiri Vasu Vs. State of U.P. and Others*** (supra), it has been clearly observed that :-

"if a person has a grievance that his FIR has not been registered by the police, or having been registered, proper investigation is not being done, then the remedy of the aggrieved person is not to go to the High Court Under Article 226 of the Constitution of India, but to approach the Magistrate concerned Under Section 156(3) Code of Criminal Procedure."

5. Thereafter, in ***M. Subramaniam and Others Vs. S. Janaki and Others, [(2020) 16 SCC 728]***, the Three Judge Bench of the Hon'ble Supreme Court, after relying upon all the above decisions, observed that the High Court cannot direct registration of the FIR in such circumstance. The direction which was given

by the High Court in this case to register the FIR was quashed and set aside. However, it was also made clear that it would be open to the informant-complainant to approach the Court of the Metropolitan Magistrate if deemed appropriate and necessary. We adopt the same recourse as adopted in ***M. Subramaniam and Others Vs. S. Janaki and Others***, (supra).

6. In view of the above observations, mainly taking into consideration the settled legal position in **Sakiri Vasu Vs. State of U.P. and Others** (supra), we dispose of the Writ Petition, with liberty to the petitioner to approach the learned Magistrate under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita (Old Section 156(3) of the Code of Criminal Procedure. If such course is taken, the learned Magistrate to decide such application on its own merits.

7. In view of the disposal of Writ Petition, Criminal Application No.985 of 2020, filed for intervention, also stands disposed of.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE