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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

25 CRIMINAL WRIT PETITION NO. 802 OF 2024

Balaji Laxman Telange
VERSUS
The State Of Maharashtra And Others

.....
Mr. N.R. Dayama, APP for Respondents No.1 to 4

.....

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

DATE : 16 SEPTEMBER, 2025

PER COURT :-

1. Learned Advocate for the petitioner is absent.
2. The present petition was filed seeking a direction to investigate the complaints made by the petitioner on 24.01.2024 and 01.03.2024, and to register an FIR against respondents Nos. 5 to 9. According to the petitioner, respondents Nos. 5 to 9 are responsible for the murder of his daughter.
3. Learned APP submits that the petitioner had earlier lodged an FIR vide Crime No. 25 of 2024 dated 11.02.2024, for offences punishable under Sections 306, 498-A, 323, 504 and 34 of the IPC. It is further submitted that the investigation in connection with the said offences has been completed and the charge-sheet has been filed.

4. The first and foremost fact to be noted is that, as the petitioner had already filed the FIR in respect of the death of his daughter, a second FIR based on the same set of facts cannot be entertained, in view of the decision in *T. T. Antony vs. State of Kerala and Ors.* (2001) 6 SCC 181. As regards the addition of Sections/offences, the learned Magistrate as well as the Sessions Judge have ample powers. The petitioner also has recourse under Section 173(8) of the Code of Criminal Procedure. In such circumstances, this is not a fit case to exercise our constitutional powers under Article 226 of the Constitution of India or the inherent powers under Section 482 of the Code of Criminal Procedure.

5. The Writ Petition stands dismissed.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE