



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

**CRIMINAL WRIT PETITION NO.910 OF 2024**

Ravindra Pandhari Surwade,  
Age-Major, Occu:Agril.,  
At-Ansansonde, Tq-Bhusawal,  
Dist-Jalgaon

**...PETITIONER**

**VERSUS**

- 1) The State of Maharashtra,  
Through, Secretary of  
Home Department, Mantralaya,  
Mumbai-32,
- 2) Superintendent of Police,  
Jalgaon, Dist-Jalgaon,
- 3) Police Inspector,  
Bhusawal Police Station,  
Tq-Bhusawal, Dist-Jalgaon,
- 4) Block Development Officer  
of Panchayat Samiti Office,  
Tq-Bhusawal, Dist-Jalgaon,
- 5) Vistar Adhikari,  
Panchayat Samitee, Bhusawal,  
Tq-Bhusawal, Dist-Jalgaon,
- 6) Sau. Mirabai Prakash Patil as  
Sarpanch in Grampanchayat of  
Khandala, Tq-Bhusawal,  
Dist-Jalgaon,
- 7) Gramsevak,  
Grampanchayat of Khandala,  
Tq-Bhusawal, Dist-Jalgaon,

- 8) Meerabai Pralhad Surwade,  
Age-Major, Occu:Agril.,  
At Post-Khandala, Tq-Bhusawal,  
Dist-Jalgaon,
- 9) Vasant Bhiva Johare,  
Age-Major, Occu:Agril.,  
At Post-Khandala, Tq-Bhusawal,  
Dist-Jalgaon,
- 10) Shankar Vasant Johare,  
Age-Major, Occu:Agril.,  
At Post-Khandala, Tq-Bhusawal,  
Dist-Jalgaon.

...RESPONDENTS

...  
Mr. Hemantrao P. Deshmukh Advocate for Petitioner.  
Ms. R.P. Gour, A.P.P. for Respondent Nos. 1 to 3.  
...

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

**DATE : 28<sup>th</sup> JANUARY, 2025**

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

1. Heard learned Advocate for the petitioner. Present Petition has been filed for following reliefs:-

"B] By appropriate writ in the nature of mandamus or any other Writ of like nature or by appropriate orders, to direct respondent Nos.2 and 3 authorities to lodge F.I.R. of commission of cognizable offences under Indian Penal Code, against the Resp. Nos. 6 to 10 and further direct to the Resp. Nos. 2 and 3 to initiate penal and

legal action against Resp. Nos. 6 to 10 under the provisions of law, as per complaints dated 19/10/2023 and 12/12/2023 of the petitioner, for that purpose this Hon'ble Court may pass appropriate order.

C] By appropriate writ in the nature of mandamus or any other Writ of like nature or by appropriate orders, to direct Resp. Nos.4 and 5 authorities to conduct the enquiry of the Resp. Nos. 6 to 10 as per complaint dated 03/07/2023 of the petitioner. "

2. The petitioner is relying on certain documents and the complaints lodged by the petitioner on 3<sup>rd</sup> July 2023, 4<sup>th</sup> September 2023, 6<sup>th</sup> October 2023 and 19<sup>th</sup> October 2023 as well as reminder dated 12<sup>th</sup> December 2023. It is alleged that respondent Nos. 6 to 10 have illegally issued the certificates in respect of the land regarding the scheme 'Ramai Aawas Yojana'. Bogus documents have been prepared thereby causing loss to the Government exchequer.

3. As aforesaid, the directions has been sought in the nature of direction to lodge the FIR. 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). Mainly taking into consideration the settled legal position in *Sakiri Vasu Vs. State of U.P. and Others* (supra), we dismiss the Writ Petition by expressing that we have not dealt with the merits of the case and whether the petitioner has disclosed any criminal offence or not. We grant liberty to the petitioner to approach the learned Magistrate under Section 156(3) of the Code of Criminal Procedure and if such application is filed, then the concerned Magistrate to deal with it as per the provisions of law.

6. In view of the above observations, the Writ Petition stands dismissed.

[SANJAY A. DESHMUKH]  
JUDGE

[SMT. VIBHA KANKANWADI]  
JUDGE