



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 862 OF 2025

Vijaya Vishram Tuljapurkar  
age : 46 Years, Occu : Service  
R/o. C/o. Siddharth Ashram Shala,  
Chowka, Taluka – Phulambri,  
District : Chhatrapati Sambhajinagar

...PETITIONER

**Versus**

Vitthal Ukhardu Gunjal,  
age : 53 Years, Occu : Agri.  
R/o. Chowka, Taluka – Phulambri,  
District – Chhatrapati Sambhajinagar

...RESPONDENT

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Mr. Nitin Trimbak Tribhuwan, Advocate for the Petitioner.  
Mr. Pradeep Gurunath Tambade, Advocate for the Respondent.

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CORAM : ABHAY J. MANTRI, J.  
DATE : DECEMBER 03, 2025

**JUDGMENT :**

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally by consent of the learned counsel for the respective parties, at the admission stage.
2. The original complainant is aggrieved by the order dated 28<sup>th</sup> September 2022, passed by the learned Judicial Magistrate First Class, Phulambri, below Exhibit 1 in Criminal Miscellaneous Application No.222 of 2021, and the said order was confirmed by the Additional Sessions Judge-7, Aurangabad by order dated 19<sup>th</sup> March 2025, in Criminal Revision Application No.277 of 2022, has preferred this petition.

3. Although the petitioner has challenged the impugned orders, however, during the course of arguments, the learned counsel for the petitioner submitted that the petitioner is only praying for restoration of the complaint as per clause 2 of the order dated 28<sup>th</sup> September 2022, which indicates that “*the applicant can proceed under Section 200 of the Code of Criminal Procedure, if she desires.*” He submitted that the said complaint is shown as disposed of on the CIMS, i.e., the Court's website. Accordingly, he has tendered across the bar a copy of the case status report obtained from the CIMS of the District Court Aurangabad. Upon perusal of the same, it appears that the matter has been shown as disposed of on the website. The said copy of the case status report is taken on record and marked “X” for identification purposes. In response, the learned counsel for the respondent has given no objection to the restoration of the said complaint.

4. Apart from that, on perusal of the order dated 28<sup>th</sup> September 2022, it appears that the learned Magistrate rejected the prayer to send the complaint for police investigation under Section 156(3) of the Cr. P. C., but granted an alternative to the petitioner to proceed with the complaint under Section 200 of the Cr. P. C. Therefore, it would not be appropriate to dispose of the complaint without granting an opportunity to the petitioner to give her verification statement/examine her upon oath U/s 200 of the Cr. P. C. As such, I find substance in his contention, as the petitioner wishes to proceed with the complaint under Section 200 of the Cr. P. C.

5. Having considered the above facts and the no objection of the learned counsel for the respondent to restore the complaint, in my view, it would be appropriate to restore Criminal Miscellaneous Applicant No.222 of 2021 to its original position, so that the petitioner may proceed with the complaint under Section 200 of the Cr. P. C. as she desires.

6. As a consequence, the petition is disposed of as under :

- a) The Criminal Application No.222 of 2021 is restored to its original position.
- b) The learned Magistrate to proceed with the complaint under Section 200 of the Cr. P. C. in accordance with the law.
- c) Needless to clarify, rejection of the complaint to send the complaint to the police investigation under Section 156(3) of the Cr. P. C. is confirmed.

7. Inform the learned Magistrate accordingly.

8. Rule is made absolute accordingly.

(ABHAY J. MANTRI, J.)