



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

17 CRIMINAL WRIT PETITION NO. 989 OF 2025

SARJA MADHUKAR GALANDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. N.L. Jadhav Advocate for Petitioners.
Mr. S.A. Gaikwad, A.P.P. for Resp. No.1.
...

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

DATE : 13th AUGUST 2025

ORDER :

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

"[B] The respondents No.1 to 5 may kindly be directed to investigate into the matter and thereby fixed the criminal liabilities against the Sarpanch and Gramsevak and further seeking directions to lodge F.I.R. against them to the concerned Police Station within two weeks from the order of this Hon'ble Court.

[C] The respondent No. 5 and 6 may be directed to register crime against concerned person in view of the complaint dated 2.04.2025 submitted by the petitioners within one month."

2. Petitioners submit that they are resident of Pundi, Taluka-

Ashti, District-Beed and they are not having constructed houses. In view of the Government Resolution dated 16th November 2022, they are eligible to get the grants for allotment of houses. It is submitted that initially the Gramsabha Mauje Pundi passed resolution wherein 115 names of beneficiaries were chosen and recommended, for grant of allotment of the house under Pradhan Mantri Awas Yojna, including the names of the petitioners. However, later on, under the political pressure, the Gramsabha has illegally removed the names of petitioners from the list of beneficiaries. The petitioners are relying on certain documents and the complaints lodged by the petitioners dated 10th February 2025 to the Block Development Officer, Panchayat Samiti, Ashti, dated 27th February 2025 to the Office of Zilla Parishad, Beed and the Collector, Beed, dated 1st April 2025 and 2nd April 2025 to the Block Development Officer, Panchayat Samiti, Ashti, Collector, Beed, Zilla Parishad Beed, Office of Police Superintendent, Beed, dated 3rd April 2025 to the Project Director of District Rural Authorities, Zilla Parishad, Beed and requested to register an offence against the Sarpanch and Gramsevak, Pundi.

3. As aforesaid, the directions have been sought in the nature of directions 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 petitioners have disclosed any criminal offence or not. We grant liberty to the petitioners to approach the learned Magistrate under Section 175 of the Bharatiya Nagarik Suraksha Sanhita (old 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