



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.9981 OF 2025

Ashabi Mahila Mandal Sindhgaon,
Taluka-Renapur, District-Latur,
Through its President,
Ashabi Hukumat Pathan,
Age-55 years, Occu:Household,
R/o-Sindhgaon, Taluka-Renapur,
District-Latur.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
Food, Civil Supply and Consumer
Protection Department, M.S.,
Mumbai,
- 2) The Collector,
Collectorate Office, Latur,
- 3) The District Supply Officer,
District-Latur,
- 4) The Tahsildar,
Tahsil Office, Renapur,
Taluka-Renapur, District-Latur,
- 5) The Civil Supply Observation Officer,
-Nayab Tahsildar, Renapur,
District-Latur,
- 6) Pratiksha D/o Manohar Landge,
Age-35 years, Occu:Service,
(As Nayab Tahsildar), Renapur Tehasil,
Renapur, District-Latur,

- 7) Laxman S/o Gopal Chewale,
Age-Major, Occu:Agri., and Politician,
R/o-Shidhgaon, Taluka-Renapur,
District-Latur.

...RESPONDENTS

AND

WRIT PETITION NO.9982 OF 2025

Saibaba Labour Co-operative Society,
Sindgaon, Taluka-Renapur, District-Latur,
Through its Chairman
Hukumat S/o Umarao Pathan,
Age-56 years, Occu:Agriculturist,
R/o-Sindhgaon, Taluka-Renapur,
District-Latur.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
Food, Civil Supply and Consumer
Protection Department, M.S.,
Mumbai,
- 2) The Collector,
Collectorate Office, Latur,
- 3) The District Supply Officer,
District-Latur,
- 4) The Tahsildar,
Tahsil Office, Renapur,
Taluka-Renapur, District-Latur,
- 5) The Civil Supply Observation Officer,
-Nayab Tahsildar, Renapur,
District-Latur,
- 6) Pratiksha D/o Manohar Landge,
Age-35 years, Occu:Service,
(As Nayab Tahsildar), Renapur Tehasil,
Renapur, District-Latur,

7) Laxman S/o Gopal Chewale,
Age-Major, Occu:Agri., and Politician,
R/o-Shidhgaon, Taluka-Renapur,
District-Latur.

...RESPONDENTS

...
Mr. Shrikishan S. Shinde Advocate for Petitioners in
both Writ Petitions.
Mr. S.K. Tambe, Additional Government Pleader for
Respondent Nos.1 to 5 in both Writ Petitions.

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

DATE : 10th DECEMBER, 2025

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

1. Heard learned Advocate for the petitioners. The reliefs
claimed in both these Petitions are similar, which read thus:-

"B. The record in respect of the inquiry and the proceedings
from the Respondent No.3 may kindly called for.

C. The order dated 15.07.2025 passed by Respondent
No.3 in case No. 2025/sd/d-4/ complaint/ extension-124/125
may kindly be quashed and set aside,

D. The Respondent No.2 may kindly be directed to make
an enquiry of the Respondent Nos. 3 to 6 and initiate criminal
proceedings against the erring officers in respect of the false
inquiry against the fair price shop run by the petitioner
society. "

2. The petitioners society are running fair price shops since so many years. The petitioners are relying on the complaint filed by respondent No.7 contending therein that he had been to the fair price shop and the shopkeeper instead of providing him the food grains, man handled him. The petitioners are also relying upon certain documents such as inquiry report submitted by respondent No.6 and the order passed by respondent No.3 on 15th July 2025. It is alleged that only to shield the officers and other persons from the criminal proceedings, respondent No.3 has passed the impugned order and thereby directed the re-inquiry.

3. As aforesaid, the directions have been sought in the nature of directions to initiate criminal proceedings. 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 Petitions 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(3) of the Bharatiya Nagarik Suraksha Sanhita [Old Section 156(3) of the Code of Criminal Procedure] and if such applications are filed, then the concerned Magistrate to deal with the same as per the provisions of law.

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

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE