



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2490 OF 2019

- 1) Ramdas S/o Shripati Shinde,
Age-53 years, Occu:Business,
R/o-Sanchar Nagar, Ahmednagar,
- 2) Arun S/o Shripati Shinde,
Age-58 years, Occu:Business,
R/o-Bhist Bag, Ahmednagar,
District-Ahmednagar.

...APPLICANTS

VERSUS

- 1) State of Maharashtra,
Through Principal Secretary,
Home Department,
Government of Maharashtra,
Mantralaya, Mumbai,
- 2) Superintendent of Police,
Ahmednagar,
- 3) Police Inspector & Investigating Officer,
Tophkhana Police Station,
Ahmednagar, District-Ahmednagar.

...RESPONDENTS

...
Mr. Girish K. Thigale (Naik) Advocate for Applicants (**Absent**).
Mr. S.A. Gaikwad, A.P.P. for Respondents.
...

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

DATE : 20th SEPTEMBER, 2025

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

1. Present Application has been filed to direct respondent Nos.2 and 3 to register the First Information Report (for short "the FIR") for offence punishable under Sections 420, 434, 436, 442, 445, 447, 448, 378, 379, 380 of the Indian Penal Code within stipulated time frame and investigation be directed to be completed within further stipulated time frame.

2. Learned Advocate for the applicants is absent when called. Heard learned APP appearing for the respondents.

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*).

6. In view of the above observations, mainly taking into consideration the settled legal position in **Sakiri Vasu Vs. State of U.P. and Others** (*supra*), we dispose of the Application, with liberty to the applicants 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. If such course is taken, the learned Magistrate to decide such application on its own merits.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/SEP25