



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

13 CRIMINAL WRIT PETITION NO. 1465 OF 2024

Shamson Apparao Kamble

VERSUS

The State of Maharashtra and others

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Advocate for the Petitioner : Mr. Nasimoddin R. Shaikh

APP for Respondent No.1: Mr. A.D. Wange

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

DATED : 17th JULY, 2025

PER COURT :-

1. Heard learned advocate for the petitioner and learned A.P.P. for the respondents.

2. The present petition has been filed with following prayers:-

“b. By way of issuance of writ of mandamus or any other appropriate writ, Respondent No. 1 to 3 may kindly be directed to register the offence, and directed to form special investigating team to conduct thorough investigation regarding illegal alienating of trust property.

c. By way of issuance of writ of mandamus or any other appropriate writ, respondent No. 1 to 3 may kindly be directed to further investigate the written complaint dated 24.07.2024.”

3. Learned advocate for the petitioner submits that inspite of giving written complaint/representation to the police authorities on 24.7.2024, no offence has been registered. The petitioner belongs to Christian religion and there is Public Trust by name "Church of Scotland, Western India Mission", which is registered under the provisions of Maharashtra Public Trust Act, 1950. The said trust has immovable properties all over India and named accused persons in said representation have cheated/defrauded the informant and the society. The property has been sold for Lacs of Rupees by showing it to be belonging to the accused. Even as against those named accused/proposed accused, 64 offences have been registered all over India. List of the same has been given at Exh. "G". Therefore, taking into consideration these aspects, respondent No.3 ought to have registered the offence.

4. We will not go into the facts of the case for the simple reason that we are bound by the decision of the Apex Court in the cases of ***Sakiri Vasu Vs. State of U.P. and Ors., [(2008) 2 SCC 409]***, ***Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhage and Ors., [(2016) 6 SCC 277]*** and ***T.C. Thangaraj Vs. V. Engammal and Ors., [(2011) 12 SCC 328]***, which have been then referred in ***M. Subramaniam and Ors. Vs. S. Janaki and Ors.,***

[(2020) 16 SCC 728], wherein the Hon'ble Supreme Court has clearly stated that the High Court should not exercise its powers under Article 226 of the Constitution of India or even under Section 482 of Cr.P.C. for giving direction to register the F.I.R. when the petitioner can approach the Magistrate under Section 156(3) of Cr.P.C. after fulfilling the requirements in the case of ***Priyanka Srivastava and Anr. vs. State of Uttar Pradesh and others***, reported in **(2015) 6 SCC 287**.

5. Learned advocate for the petitioner then submits that the petitioner be given liberty to approach the Magistrate under Section 156(3) of Cr.P.C. Such liberty was given by the Hon'ble Supreme Court in ***M. Subramaniam and Ors. (supra)*** and therefore, we dispose of the petition with liberty as prayed for.

(SANJAY A. DESHMUKH, J.) (SMT. VIBHA KANKANWADI, J.)

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