



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

926 CRIMINAL PUBLIC INTEREST LITIGATION NO. 2 OF 2025

**NANDKUMAR ANKUSHRAO KUTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....

Mr. N. L. Jadhav, Advocate for the Petitioner

Mr. A. B. Girase, Public Prosecutor for the Respondents – State

....

**CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 10.09.2025

PER COURT :-

1. Heard the learned counsel for the Petitioner.
2. By this Petition, the Petitioner who claims to be a social worker and public spirited person and also taluka President of a political party, has filed this Petition purportedly in the public interest, with the following prayer:-

“C. The respondents more particularly respondent No.2 to 8 may kindly be directed to register the crime under section 201, 316(2), 316(4), 316(5), 318(4), 335, 336(2), 337, 336(3) of Bharatiya Nyaya Sanhita, 2023 and section 13 of

the prevention of corruption Act against the accused persons in pursuance of enquiry report and complaint made by the petitioner, within two weeks or as directed by this Hon'ble Court."

3. The learned counsel for the Petitioner relies upon the document at Exh-"G", which is stated to be a representation dated 29.05.2025, addressed by the Petitioner to a number of authorities, including Police Inspector of Police Station, Pimpalner and a number of Government officials including the Superintendent of Police, Beed, Collector of Beed and the Divisional Commissioner, Chhatrapati Sambhajanagar. The grievance of the Petitioner is with regard to the alleged corruption and misdeeds of certain officials, which need to be taken into account and criminal proceedings are required to be initiated by registration of offences.

4. It is settled law that any individual can trigger registration of offence leading to investigation and subsequent process.

5. The settled position of law also shows that when the grievance of an individual with regard to such a complaint is not looked into by the concerned police officials, such an individual can

approach the jurisdictional Magistrate by lodging an appropriate application. Section 175(3) of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) is an avenue, that should be explored and exhausted by an individual like the Petitioner herein whose grievance is limited to the prayer clause extracted herein above.

6. We do not find any merit in the contention that the grievance being raised on his behalf should be treated as a public interest matter to engage the attention of this Court. The Petitioner is clearly at liberty to approach the jurisdictional Magistrate as per settled law and we are of the opinion that the Magistrate would consider the application, if filed by the Petitioner, on its own merits and in terms of law laid down by the Supreme Court in a series of judgments, including *Sakiri Vasu Vs. State of U.P and Ors; 2008(2) SCC 409*.

7. In view of the above, the Public Interest Litigation is dismissed with the aforesaid observations.

8. At this stage the learned counsel for the Petitioner, on instructions, makes a statement that the Petitioner shall file such an application before the jurisdictional Magistrate within two weeks

from today. Upon such an application being filed, the concerned Magistrate shall proceed strictly in accordance with law.

[Y. G. KHOBRADE, J.]

[MANISH PITALE, J.]

SMS