



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

57 CRIMINAL WRIT PETITION NO.1358 OF 2023

Sanjay Ramhari Thube,
Age 47 yrs., Occ. Agri. & LIC Agent,
R/o Saundala, Tq. Newasa,
Dist. Ahmednagar.

... Petitioner

... Versus ...

- 1 The State of Maharashtra
Through its Principal Secretary,
Home Department, Mantralaya,
Mumbai – 32.
- 2 The Superintendent of Police,
Ahmednagar,
Tq. & Dist. Ahmednagar.
- 3 The Director General of Police,
Maharashtra State, Mumbai – 39.
- 4 The Special Inspector General of Police,
Nashik Region, Nashik.
- 5 The Sub Divisional Police Officer,
Sub Division, Shevgaon, Tq. Shevgaon,
Dist. Ahmednagar.
- 6 Vijay Kare,
Police Inspector,
Police Station, Newasa,
Tq. Newasa, Dist. Ahmednagar.

... Respondents

...

Mr. N.B. Narwade, Advocate for petitioner

Mr. G.A. Kulkarni, APP for respondent Nos.1 to 5

Mr. Prasad Wakhare, Advocate h/f Mr. S.J. Naik, Advocate for respondent
No.6

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

DATE : 19th SEPTEMBER, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

. Heard learned Advocate for petitioner. Present petition has been
filed for following relief -

“(B) By issuing appropriate writ, order or direction in the like nature, the respondent authorities, especially respondent No.2 – Superintendent of Police, Ahmednagar may kindly be directed to decide the representation dated 03.07.2023 made by the present petitioner and further be directed to conduct the necessary inquiry in view of the said representation.

(C) Pending hearing and final disposal of the present Criminal Writ Petition, respondent No.2 – Superintendent of Police, Ahmednagar may kindly be directed to submit the details report in respect of inquiry if any conducted in view of the representation dated 03.07.2023 made by the present petitioner.”

2 It is stated that the complaint was made to the appropriate authority on 03.07.2023, however, no cognizance has been taken.

3 We would like to rely on the decision in ***Sakiri Vasu Vs. State of Uttar Pradesh and others, 2008 (2) SCC 409***, wherein it has been observed that -

“25. we have elaborated on the above matter because we often find that when someone has a grievance that the First Information Report has not been registered at a police station and/or an appropriate investigation is not being done by the police, he rushes to the High Court to file a writ petition or a petition under Section 482 Cr.PC. We are of the opinion that High Court should not encourage this practice and should ordinarily refuse to interfere in such matters and relegate the petitioner to his alterating remedy, firstly under Section 154(3) and Section 36 Cr.PC. before the concerned police officers and if that is of no avail, by approaching a Magistrate concerned under Section 156(3).

26. If a person has a grievance that his FIR has not been registered by the police station his first remedy is to approach the Superintendent of Police under Section 154(3) Cr.PC. or other police officer referred to in Section 36 Cr.PC. If despite approaching the Superintendent of Police or the officer referred to in Section 36 his grievance still persists, then he can approach a Magistrate under Section 156(3) Cr.PC. instead of rushing to the High Court by way of a writ petition or a petition under Section 482 Cr.PC. Moreover he has a further remedy of filing a criminal complaint under Section 200

Cr.PC. Why then should writ petitions or Section 482 petitions be entertained when there are so many alternative remedies ?”

4 A decision in **Sakiri Vasu** (supra) was then relied in case of **T.C. Thangaraj vs. V. Engammal & others** [2011 (12) SCC 328], **Sudhir Bhaskarrao Tambe vs. Hemant Yashwant Dhage and others** [2016 (6) SCC 227] and **M. Subramaniam and others vs. S. Janaki** [2020 (16) SCC 728]. Therefore, in view of the specific observations by the Hon’ble Supreme Court, we do not take this to be a fit case where we should exercise our powers under Article 226 of the Constitution of India, however, the petitioner has remedy to approach the Magistrate under Section 156(3) of the Code of Criminal Procedure and we adopt the same view as was adopted in case of **M. Subramaniam** (supra) and grant liberty to the petitioner to approach learned Magistrate of competent jurisdiction under Section 156(3) of the Code of Criminal Procedure. If such application is made, then the concerned Magistrate to decide it on its own merits.

5 With these observations, writ petition stands disposed of.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)