



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.2100 OF 2019

Ganeshrao Nagorao Dudhgaonkar

.. Petitioner

Versus

1. The State of Maharashtra
2. The Superintendent of Police,
Parbhani, Tq. And Dist. Parbhani.
3. The Police Inspector,
Kotwali Police Station,
Parbhani, Tq. And Dist. Parbhani.
4. The Director General of Police,
Anti Corruption Bureau Department,
Mumbai.

.. Respondents

...

Mr. R. N. Dhorde, Senior Counsel i/b Mr. V. R. Dhorde, Advocate for the petitioner.

Mr. A. D. Wange, APP for respondents/State.

...

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

DATE : 09 SEPTEMBER 2025

ORDER :

. Heard learned Senior Counsel for the petitioner. Present petition has been filed for following relief :-

“C) Issue writ of mandamus or any other appropriate writ, order or direction in the nature of Writ of Mandamus thereby issue directing to the respondent police authorities and their sub ordinates to take cognizance of the complaints

dated 25.07.2018 and 09.08.2019 and accordingly register the offence against the arraying government officials and other persons involved in the same and submit the report to this Hon'ble Court and for that purpose issue necessary orders;"

2. It is stated that the complaints were made to the appropriate authority on 25.07.2018 and 09.08.2019 respectively, however, no cognizance has been taken. However, learned Advocate for the petitioner submits that there are subsequent events mainly which have taken place in 2024, wherein the cognizance has been taken, however, the matter is pending with the government authorities and, therefore, for a limited prayer, the petitioner wants to file fresh writ petition.

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

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.P.C. 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.P.C. 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.P.C. or other police officer referred to in Section 36 Cr.P.C. 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.P.C. instead of rushing to the High Court by way of a writ petition or a petition under Section 482 Cr.P.C. Moreover he has a further remedy of filing a criminal complaint under Section 200 Cr.P.C. 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*** and ***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, the petitioner has remedy to approach the Magistrate under Section 156(3) of the Code of Criminal Procedure. We are therefore not inclined to grant prayer clause 'B' in its present form. It will not be out of place to mention here that this Court while passing order on 20.02.2020 had taken note of the copy of the report submitted by ACP on 20.02.2020 itself. Perusal of the said letter would show that the

concerned office had acknowledged the complaint application filed by the petitioner on 27.07.2018, which was received by Anti Corruption Bureau office Nanded on 30.07.2018 and it was then stated that the inquiry into the complaint application was ordered, however, in view of amendment under Section 17(a) of the Prevention of Corruption Act, it was made mandatory to have prior permission even for an inquiry and, therefore, the report was submitted and the said permission was not yet received was the contention in that letter dated 20.02.2020. In spite of this letter taken on record, there was no amendment carried out by the petitioner. Rather till 14.07.2025 the matter was not even got circulated. Now, it appears that there are some subsequent events which might be giving right or cause for a fresh petition and, therefore, the learned Advocate for the petitioner seeks withdrawal of the petition with liberty to file the fresh petition. Under such circumstance, without prejudice to the rights to the respondents or to any other person even indirectly involved to agitate the right and by keeping all the points open, we permit the withdrawal of the petition with liberty to file fresh writ petition.

5. Accordingly, the writ petition stands disposed of as withdrawn.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm