



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

21 CRIMINAL WRIT PETITION NO. 2090 OF 2024

ASHOK S/O HARIBHAU CHATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....

Advocate for the Petitioner : Mr. M.S. Shaikh h/f Mr. Yogesh G.
Birajdar

APP for Respondent Nos.1 to 4-State : Mr. N.R. Dayama

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CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.

Dated : 23rd June 2025

PER COURT :-

1. Heard learned Advocate for the petitioner and learned
APP for the respondents-State. Perused the documents.

2. The petitioner has prayed that respondent Nos.2 to 4 be
directed to decide the representation of the petitioner dated
31.05.2022.

3. We have gone through the said representation, which is
in fact in the nature of a complaint application for taking action i.e.
registration of an First Informant Report (for short "the F.I.R."),
against the persons named in the same. Thus, it can be stated that,

indirectly, the petitioner seeks registration of an F.I.R., which cannot be allowed in view of the decisions of the Hon'ble Supreme 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 *M. Subramaniam and Ors. Vs. S. Janaki and Ors.*, [(2020) 16 SCC 728].

4. In **M. Subramaniam (Supra)**, the Hon'ble Supreme Court had given liberty to the petitioner to approach the Magistrate under Section 156(3) of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C."). Here also, the petitioner states that he made the said complaint to Police Inspector, Kaij Police Station, Bist. Beed and then, he had given the copy thereof to Deputy Superintendent of Police, Beed. If the petitioner has complied with the directions given by the Hon'ble Supreme Court in the case of *Lalita Kumari Vs. Government of Uttar Pradesh and Ors.*, [AIR 2014 SC 187], then in view of the above said decisions specially in **Sakiri Vasu (Supra)**, he has basic option to approach the Magistrate under Section 156(3) of Cr.P.C.

5. The Hon'ble Supreme Court has, therefore, purely stated that when such remedy is available, the High Court cannot exercise its powers under Article 226 of the Constitution of India to give direction

to register an F.I.R. Therefore, we are adopting the same approach as was adopted in **M. Subramaniam (Supra)**.

6. Learned Advocate for the petitioner, therefore, seeks withdrawal of the petition with liberty to approach the Magistrate under Section 156(3) of Cr.P.C.

7. In view of this legal position and the statement made, we dispose of the Writ Petition with liberty as prayed.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd