



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

13 CRIMINAL WRIT PETITION NO. 302 OF 2025

SUNITA MOHAN KORDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Ms. Sunita Mohan Korde, Petitioner present, party-in-
person.
Ms. R.P. Gour, A.P.P. for Respondent - State.
...

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

DATE : 7th APRIL 2025

ORDER :

1. As per order dated 18th March 2025, the learned APP is placing the communication by the concerned police station. It is taken on record by marking "X".

2. The petitioner has come with the prayer that the record and proceedings pertaining to Crime No.7 of 2012 registered with MIDC, CIDCO Police Station, Aurangabad for the offence punishable under Sections 420, 468, 471, 415, 464, 504, 506, 201, 448, 451 read with Section 34 of the Indian Penal Code be called and writ of mandamus be issued against the respondents

to direct them to conduct proper investigation in view of the order dated 10th September 2012, below Exhibit-1 in Criminal M.A. No.1563 of 2012 passed by the learned 6th Judicial Magistrate First Class, Aurangabad and to submit final report.

3. The party-in-person, the petitioner has filed the copy of Criminal M.A. No.1563 of 2012, on which itself handwritten order was passed by learned 6th Judicial Magistrate First Class, Aurangabad, thereby giving direction to the police station to carry out the investigation under Section 156(3) of the Code of Criminal Procedure. That means such an order was definitely given. The communication which has been produced today, Exhibit "X" states that the record with the police station does not show that M. Case No.7 of 2012 was registered with them and Crime No.7 of 2012 appears to be not registered. But at Page No.54 of the Petition, copy of the Printed Form of FIR has been produced by the petitioner, wherein, instead of registering regular FIR i.e. giving regular FIR number, it is stated that "M Case No. 7 of 2012" came to be registered on 20th September 2012.

4. In *Sakiri Vasu Vs. State of U.P. and Others*, [(2008) 2 SCC 409], it has been clearly observed that :-

" In this connection we would like to state that if a person has a grievance that the police station is not registering his FIR under Section 154 Cr.P.C., then he can approach the Superintendent of Police under Section 154(3) Cr.P.C. by an application in writing. Even if that does not yield any satisfactory result in the sense that either the FIR is still not registered, or that even after registering it no proper investigation is held, it is open to the aggrieved person to file an application under Section 156(3) Cr.P.C. before the learned Magistrate concerned. If such an application under Section 156 (3) is filed before the Magistrate, the Magistrate can direct the FIR to be registered and also can direct a proper investigation to be made, in a case where, according to the aggrieved person, no proper investigation was made. The Magistrate can also under the same provision monitor the investigation to ensure a proper investigation."

5. Before further order can be passed, we want to get the factual aspects on record from the learned Judicial Magistrate First Class, Court on the following points, in view of the said fact that the said printed form of FIR of M. Case No.7 of 2012 dated 20th September 2012, the copy of the same appears to have been given to the Judicial Magistrate First Class, Court:-

(I) When, after the order was passed on 10th September 2012 by 6th Judicial Magistrate First Class, the fact was informed or order was communicated to the Police Inspector, MIDC, CIDCO Police Station?

(II) When the printed form of FIR as contemplated under Section 154 of the Code of Criminal Procedure was received by the concerned Court?

(III) Whether at any point of time after the receipt of Printed Form there was any communication to MIDC, CIDCO Police Station by the learned Magistrate asking about the progress about the investigation? (As referred above, in ***Sakiri Vasu Vs. State of U.P. and Others***, (supra), it has been observed that the Magistrate can monitor the investigation to ensure a proper investigation. In view of above, whether the investigation was monitored?)

6. Learned 6th Judicial Magistrate First Class, Aurangabad to give the remarks on the factual aspects after going through the entire record.

7. The learned Registrar (Judicial) to communicate this order and get the remarks from the concerned Court within a period of three weeks.

8. Place the matter for further consideration on 8th May 2025.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE