

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 47 OF 2025

Mahesh Mohan Shinde
V/s.

....*Petitioner*

Maharashtra State Human Rights
Commission & Ors.

....*Respondents*

Dr. Uday Warunjikar a/w. *Jenish D. Jain, for the Petitioner.*

Ms. K.N. Solunke, *AGP for Respondent No.1/State.*

CORAM : SANDEEP V. MARNE, J.

Date : 9 January 2025.

P.C. :

1) The Petitioner challenges the communication dated 7 October 2024 by the Registrar, Maharashtra State Human Rights Commission informing the Petitioner that since the dispute is subjudice before the Court, the complaint filed by the Petitioner is not maintainable under Regulation 12(i) of the Maharashtra State Human Rights Commission (Procedure) Regulations, 2001.

2) I have heard Dr. Warunjikar, the learned advocate appearing for the Petitioner and Ms. Solunke, AGP for Respondent No.1-State.

3) Dr. Warunjikar would contend that the reasoning assigned for dismissal of the complaint in limine under the provisions of Regulation 12 is totally erroneous as the dispute/complaint sought

to be raised by the Petitioner is not pending before any Court of law. He would submit that infact the Petitioner is aggrieved by the action of the Police Authorities in not registering the FIR based on his complaint which is violation of human rights within the meaning of The Protection of Human Rights Act, 1993.

4) Dr. Warunjikar is not entirely wrong in contending that the subject matter of complaint sought to be raised by the Petitioner has not reached any Court of law. I am however not inclined to entertain the present petition as the Petitioner has an alternate and equally efficacious remedy of approaching the Court of Judicial Magistrate First Class for registration of FIR against Respondent No.2. It also appears that an FIR has already been registered against the Petitioner at the behest of Respondent No.2. Considering the above factual position where the rival parties have set/are attempting to seek criminal law into motion, I am not inclined to entertain the present petition. The Petitioner would be at liberty to approach the Court of Judicial Magistrate First Class seeking a direction for registration of FIR against Respondent No.2 which proceedings shall be decided on its own merits. With the above directions, the Writ Petition is **disposed of**.

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[SANDEEP V. MARNE, J.]