



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO.123/2020

Shri Shripad s/o Pralhad Ashtekar Vs.

State of Maharashtra, thr. PSI Office of the Assistant Commissioner of Police, Sitabuldi
Division, Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri C.S. Kaptan, Senior Advocate assisted with Shri N.A. Padhye, Advocate for petitioner
Ms R.V. Sharma, APP for respondent No.1/State
Shri R.S. Akbani, Advocate for respondent No.2

CORAM : ANIL L. PANSARE AND
SIDDHESHWAR S. THOMBRE, JJ.
DATE : 18.09.2025

1. The challenge is to notice issued by respondent-investigating officer under Section 160 of the Criminal Procedure Code, 1973 by which the petitioner was summoned to appear before the respondent.
2. During the course of hearing, it transpired that the First Information Report itself has been not registered. Section 160 of the Criminal Procedure Code, 1973 (For short, "Code") provides that any police officer making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person who is acquainted with the facts and circumstances of the case.
3. Thus, it is evident that for issuing notice under Section 160 of the Code, investigation must commence. The investigation will commence once the First Information

Report is lodged under Section 154 of the Code.

4. Admittedly, the First Information Report has been not lodged. In absence thereof, there arises no question of respondent No.1 making any investigation under Chapter XII which includes provisions under Sections 154 to 176 of the Code.

5. The communication so issued is thus without jurisdiction and accordingly, is liable to be quashed and set aside.

6. The petition is allowed in terms of first prayer which is as under:

“(A) Hold and declare that the action of the respondent in issuing the notice dated 22.01.2020 under Section 160 of the Code of Criminal Procedure which is annexed at Annexure-B and subsequent insistence of the petitioner to present in the Police Station in the facts and circumstances of the case is inappropriate, bad in law and deserves to be declared so and accordingly deserves to be quashed and set aside.”