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

CRIMINAL WRIT PETITION NO. 595 OF 2020

(Shri Ishwar s/o Ballabhdas Gandhi & Anr. Vs. The State of Maharashtra & Ors.)

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

Court's or Judge's orders.

Mr. A.J. Bhoot h/f Mr. N.S. Bhattad, Counsel for the
petitioners.
Mr. A.B. Badar, A.P.P for respondent nos. 1 to 3/State.

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CORAM : ANIL L. PANSARE AND
RAJ D. WAKODE, JJ.
DECEMBER 4, 2025

The learned A.P.P. submits that respondent
no.4 is served on 12/11/2023. However, none appears for
respondent no.4.

2] At the request of Mr. A.J. Bhoot h/f Mr. N.S.
Bhattad, learned Counsel for the petitioners, kept back.

(JUDGE)

(JUDGE)

LATER ON

3] None for the petitioners. The learned A.P.P.
has invited our attention to the prayers made in the
petition, which read as under :

*“a. Direct the Respondent No.1 Commissioner
of Police, Respondent No.2 PSO Ganeshpeth
and also Respondent No.3 PSO, Wardha, to
make necessary inquiry and take steps in
redressing the grievances of the Petitioner, and
further be pleased to;*
*b. Direct the Respondent No.1 Commissioner of
Police, Respondent No.2 PSO Ganeshpeth and
also Respondent No.3 PSO, Wardha, to lodge*

police complaint and prosecute the respondent No.4 for the offences punishable under various sections of Indian Penal Code, and under Arms Act;

c. Further direct the Respondent No. Commissioner of Police, Respondent No.2 PSO Ganeshpeth, to provide police protection to the Petitioners in the interest of justice,

d. Further be pleased to grant such other reliefs and order as this hon'ble court deems fit and proper under given facts of the case and in the interest of justice."

4] As could be seen, the petitioners are seeking directions to make enquiry into the grievance made by them, and to direct respondent no.1 to lodge First Information Report against respondent no.4. Further prayer is to provide protection to the petitioners.

5] The learned A.P.P. submits that the petitioners can avail remedy under Section 156(3) of the Code of Criminal Procedure, 1973 (for short "the Code"). So far as first prayer is concerned, he submits that respondent nos. 2 and 3, on receiving complaint from the petitioners, have given warning to respondent no.4 in terms of Section 107 of the Code. According to him, they have discharged their duties and, therefore, no fault could be attributed to them.

6] So far as third prayer is concerned, police protection is not granted for last five years, nor have the petitioners pressed for interim relief in this regard.

7] That being so, and considering the fact that the petitioners can avail alternative and equally efficacious remedy under Section 156(3) of the Code, and

more importantly, since the Counsel for the petitioners is absent, we are not inclined to grant any relief.

8] The petition is, accordingly, dismissed with liberty to the petitioners to avail remedy as is available in law, including remedy under Section 156(3) of the Code.

(JUDGE)

(JUDGE)

Sumit