



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

**CRIMINAL WRIT PETITION NO. 544 OF 2024**

[Anjaya S/o Rajam Anparthi vs. State of Maharashtra through P.S.O.  
Cyber P.S., Nagpur and ors.]

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

Court's or Judge's orders

-----  
Mr. V. S. Mishra, Advocate for the petitioner  
Mr. A. B. Badar, APP for the State/respondent nos. 1 and 2

**CORAM: ANIL L. PANSARE AND**  
**Y. G. KHOBRAGADE, JJ.**

**DATED : 07-10-2025.**

On previous date, following order was passed.

- “1. The petitioner is seeking direction against the respondent No.1 to take cognizance of the petitioner's complaint and investigate into the matter.
2. The appropriate remedy, according to us, is to approach the Jurisdictional Magistrate under Section 156(3) of the Code of Criminal Procedure, 1973 (Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023), which the petitioner may avail.
3. Learned counsel for the petitioner submits that the cognizance was taken by the Investigating Officer, but, Non-cognizable Report has been filed. If that be so, the recourse available to the petitioner is under Section 155 of the Code of Criminal Procedure, 1973.
4. The petitioner's counsel however, seeks time to take instructions. Time is granted.
5. List the petition on 07.10.2025.”

2. In response, learned counsel for the petitioner submits that in such a situation, the Investigating Officer should have approached the Magistrate in terms of the judgment passed by this Court in the case of ***Nitin Shivdas Satpute Vs. State of Maharashtra [2023 SCC OnLine Bom 2771]***. The Investigating Officer, however, has done nothing. As such, he made a

request to issue appropriate direction.

3. Since the law is well settled, we permit the petitioner to approach the jurisdictional Magistrate and raise his grievance before him.

4. With the aforesaid liberty, the petition is disposed of.

5. We expect respondent nos. 1 and 2 to act in terms of the aforesaid judgment.

(Y. G. KHOBRAGADE, J.)

(A. L. PANSARE, J.)

*wasnik*