

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4411 OF 2025

WITH

INTERIM APPLICATION NO.226 OF 2026

Vishal Prakash Kumbhar

...Petitioner

Versus

Dgp Maharashtra

...Respondent

Mr. Pramod Sutar a/w. Atharva R. B. Harshwardhan Patil, Advocate for petitioner.

N. G. Kamble i/b. Dr. Uday Warunjikar, Advocate for Intervenor BCMG.

Mr. Shishir Hire, PP a/w. Dr. A. A. Takalkar APP, for respondents-State.

Coram : Madhav J. Jamdar &
Pravin S. Patil, JJ.

Date : May 8, 2026.

P.C. :

1. Mr. Vishal Kumbhar, the applicant, who is personally present in Court, seeks withdrawal of the writ petition. The applicant states that he intends to file a complaint under Section 175(3) of the BNSS in view of the law laid down by the Hon'ble Supreme Court in ***Sakiri Basu vs. State of U.P & Ors.***, reported in ***AIR 2008 SC 907***, more particularly paragraph No. 11 thereof, which reads thus:

“11. 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.PC., then he can approach the Superintendent of Police under Section 154(3), Cr.PC. 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.PC. 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.”

2. Accordingly, the writ petition is allowed to be withdrawn and disposed of with liberty as aforesaid. In view of the withdrawal of the writ petition, the Interim Application, if any, also stands disposed of.
3. It is clarified that this Court has not examined the merits of the matter and all contentions on merits are expressly kept open.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]