

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 5957 OF 2024

Pradip P Menon

...Petitioner

Versus

The State Of Maharashtra And Anr

...Respondents

SANTOSH
SUBHASH
KULKARNI

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Mr. Aniket Srivastav, a/e Sukanda Rane i/b Akshar Laws for
Petitioner.

Ms. Sushma Mishra, a/w Munir Ahmed and Anand Mishra, for
Respondent No.2

CORAM: N. J. JAMADAR, J.

DATED: 9th MARCH, 2026

Oral Order:-

1. Heard the learned Counsel for the petitioner.
2. The challenge in this petition is to a judgment and order passed by the Additional Sessions Judge, Thane, whereby the criminal revision application preferred by the petitioner against an order passed by the learned Magistrate declining to direct registration of FIR and investigation under Section 156(3) of the Code of Criminal Procedure, 1973 ("the Code"), came to be dismissed.

3. The petitioner has filed a complaint for the offences punishable under Sections 420, 467, 468, 469 and 471 of the Indian Penal Code, 1860 (“the Penal Code”).

4. By an order dated 22nd January, 2024, the learned Magistrate declined to direct Station House Officer to register the FIR and carry out the investigation under Section 156(3) of the Code. The petitioner was instead directed to proceed under Section 200 of the Code. The learned Additional Sessions Judge did not find any infirmity in the order passed by the learned Magistrate.

5. It is trite, in a private complaint, the Magistrate has the options to proceed. The Magistrate may record the verification statement and straightaway issue process against the accused. The Magistrate may postpone the issuance of process and either conduct or cause to be conducted investigation under Section 202 of the Code or the Magistrate may direct the police to register a FIR and carry out investigation under Section 156(3) of the Code.

6. In the case at hand, the learned Magistrate has recorded justifiable reasons for not directing registration of the FIR and instead calling upon the complainant to proceed under Section

200 of the Code. The discretion exercised by the learned Magistrate does not appear to be either arbitrary or perverse. Thus, in exercise of the supervisory jurisdiction, this Court does not find any reason to interfere with the impugned order.

7. The petition stands dismissed.

[N. J. JAMADAR, J.]