

Priya Soparkar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.111 OF 2026

Prakash Shetty ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

Mr. Prakash Dhopatkar with Ms. Vithika S. Vhatkar i/by
Santosh Vhatkar & Associates, Advocates for the
Petitioner.

Mr. J. P. Yagnik, Additional Public Prosecutor, for the
Respondent No.1-State.

**CORAM: SHREE CHANDRASHEKHAR, CJ
& SUMAN SHYAM, J.**

DATE: 19th JANUARY 2026.

PC:-(Per Suman Shyam, J.)

The writ petitioner herein had submitted written complaint dated 29th October 2025 before the Principal Secretary, Home Department, the Director General of Police and the Commissioner of Police making certain allegations against Mr.Avinash Ambure, DCP and Investigating Officer Mr.Datta Sarak, APS, Crime Branch of Mira-Bhayander, Vasai and Virar.

2. Alleging that on receipt of the complaint, save and except recording his statement, no further action has been taken in the matter by the authorities, this writ petition has been filed seeking a direction to the respondents to initiate appropriate legal action including holding of a departmental enquiry and also for registration of a First Information Report (F.I.R.) against the two police officials of the department.

3. From a perusal of the complaint dated 29th October 2025, we find that the allegation made against the two police officials, namely, Mr. Avinash Ambure and Mr. Datta Sarak is to the effect that Mr. Avinash Ambure had initiated an investigation against him without the authority of law and the Investigating Officer-Mr. Datta Sarak had called the complainant for narrating the modalities of his business.

4. After going through the complaint, we are of the *prima facie* opinion that the complaint does not disclose the ingredients of any cognizable offence against the two police officers so as to enable the police to register the F.I.R. Even if the petitioner thinks so, he would have adequate alternative statutory remedy in the matter. Therefore, a writ petition would not be maintainable on such grounds. Moreover, although allegations have been made against the two police officials, yet, none of them has been made party in the writ petition.

5. From a careful analysis of the statements made in the writ petition, we are of the view that the petitioner does not have any right that can be enforced in this writ petition.

6. Writ Petition No.111 of 2026 is, therefore, held to be devoid of any merits. The same is, accordingly, dismissed.

(SUMAN SHYAM, J.)

(CHIEF JUSTICE)