

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

WRIT PETITION NO. 379 OF 2026

Ravindra Shivaji Salunkhe

..Petitioner

Versus

State of Maharashtra & Ors.

...Respondents

Mr. Gaurav Parkar, for the Petitioner.

Mr. A R Metkari, APP for the Respondent-State.

CORAM: N. J. JAMADAR, J.

DATE : 06th FEBRUARY 2026

P.C.:

1. Heard the learned Counsel for the petitioner.
2. The challenge in this petition is to an order dated 05th November, 2025 passed by the learned Additional Sessions Judge, Panvel, whereby a revision application preferred by the petitioner against an order dated 23rd July, 2024 passed by the learned Magistrate First Class, Panvel, thereby rejecting the prayer to direct registration of the FIR and carry out investigation under Section 156(3) and instead directing the petitioner to proceed under Section 200 of the Code of Criminal Procedure, 1973, came to be dismissed.
3. The learned Magistrate was of the view that, as the complaint revolves around documents, a direction for

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investigation under Section 156(3) was not warranted, and, the complainant ought to proceed under Section 200 of the Code.

4. The learned Counsel for the petitioner submitted that, the allegations in the complaint are such that, investigation by the Police under Section 156(3) of the Code, is warranted.

5. I have perused the allegations in the complaint. The petitioner-complainant does not seem to have any title documents. The entire claim of the petitioner is based on the allotment of land purportedly made by the then Sarpanch of the Village Panchayat, and the assessment list maintained by the Village Panchayat.

6. It is trite, the Magistrate has options to the either straightaway take cognizance of the offence and issue process, postpone the issuance of process and conduct or cause to be conducted an inquiry under Section 202 of the Code or direct an investigation under Section 156(3) of the Code. In the circumstances of the case, the exercise of discretion by the learned Magistrate in directing the complainant to proceed under Section 200 of the Code, does not seems to be unsustainable.

7. The Writ Petition thus stands dismissed.

8. It is, however, clarified that, the aforesaid observations are confined to test the legality of the order passed by the learned Magistrate and the learned Magistrate shall not be influenced by any of the observations while proceeding under Chapter XV of the Code.

[N. J. JAMADAR, J.]