



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

CRIMINAL WRIT PETITION NO.1012/2025

Pritam s/o Harilal Khandate .Vs. Director General of Police, State of Maharashtra,
Home Ministry, Maharashtra 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 S. Chavhan, Advocate for petitioner.
Mr. S. S. Doifode, A.P.P. for respondents.

CORAM : ANIL L. PANSARE AND NIVEDITA P. MEHTA, JJ.

DATE : JANUARY 8, 2026.

The petitioner, who claims to be a practicing lawyer, has approached this Court with following prayers.

"1. Issue a writ of mandamus or any other appropriate writ, order, or direction, directing the Respondent-Deputy Commissioner of Police, Zone-2, Sitabuldi, Nagpur, to place on record before this Hon'ble Court the CCTV footage pertaining to the incident dated 16.09.2025 from his office chamber, so as to disclose the true and complete sequence of events.

2. Issue a writ of mandamus or any other appropriate writ, order, or direction, directing the State Government or the competent authority to initiate a departmental inquiry and to take appropriate disciplinary action against the Respondent-Deputy Commissioner of Police, Zone-2, for his arbitrary, high-handed, abusive, and unbecoming conduct in assaulting and humiliating the Petitioner and other advocates while they were engaged in the lawful discharge of their professional duties.;

3. Issue a writ of mandamus or any other appropriate writ, order, or direction, directing the State Government to ensure adequate protection and safeguards for members of the legal fraternity, so that advocates may perform their professional duties fearlessly, independently, and without any form of obstruction, intimidation, or interference from any quarters.

4. Issue a writ of mandamus or any other appropriate writ, order, or direction, directing the Respondent-State Authorities to forthwith initiate an independent, impartial, and thorough investigation into the incident dated 12.09.2025 concerning the assault on Advocate Shri Pritam H. Khandate, and to register appropriate offences under the correct and applicable provisions of

the Bharatiya Nyaya Sanita, 2023, against the accused persons, without any delay or dilution.;

5. Pass such other and further orders as this Hon'ble Court may deem fit, just, and proper in the interest of justice and in the facts and circumstances of the present case."

2. The reason for such prayers is that on 12.09.2025, petitioner was assaulted by certain criminal elements with weapons, as a result of which he sustained grievous injuries on vital parts of the body. The petitioner submits that despite such serious offence, crime was registered on 13.09.2025, vide Crime No. 584/2025 only under Section 118(1), 351(3) of the Bhartiya Nyay Sanhita, 2023 ("BNS"), thereby downplaying gravity of the assault. On 16.09.2025, the petitioner along with other advocates approached office of respondent No.3 - Deputy Commissioner of Police, Zone-2, Sitabuldi, Nagpur, requesting him to invoke stringent penal provisions. The Deputy Commissioner of Police, instead of redressing the grievance, allegedly displayed hostility, found fault in the written complaint lodged by the petitioner and directed his subordinate to physically push the petitioner out of his chamber. The petitioner on 17.09.2025, requested for CCTV footage under the Right to Information Act, 2005. According to the petitioner, CCTV footage discloses assault on three advocates. Hence, the aforesaid prayer.

3. Thus, the basic grievance of the petitioner was that police has not taken cognizance of the assault on petitioner at the hands of certain criminal elements, which occurred on 12.09.2025. Learned A.P.P. submits that investigation is complete and charge-sheet is filed in the said case.

4. That being so, in our view, the petitioner may approach the Trial Court for redressal of his grievance as regards invoking other provisions of the BNS. So far as assault on petitioner by respondent No.3 is concerned, petitioner may approach Sitabuldi Police Station and lodge report under Section 173 of the Bhartiya Nagrik Suraksha

Sanhita, 2023 ("BNSS") and further has remedy under Section 175 of the BNSS.

5. At this stage, Mr. S. T. Chavhan, learned counsel for petitioner unnecessarily raised his voice and started arguing in Marathi saying that, "वकिलांना न्याय नाही मिळणार तर कोणाला मिळेल?" (if advocates won't get justice then who will?).

6. We may note here that request made by Mr. Chavan to argue in Hindi/Marathi was rejected by us vide order dated 08.12.2025. There was, therefore, no reason why should he continue to argue in Marathi that too by raising his voice. He was accordingly directed to maintain decorum. So far as argument that if advocates won't get justice then who will, the argument, in our view, lacks understanding of law. The word, 'justice' is understood to mean to entertain the petition and pass favourable order whether or not there is merit. Such plea is not expected, at least from Advocates.

8. Be that as it may, we have, in all cases where the grievance in the nature put forth in the petition, directed the respective petitioners to approach the jurisdictional Magistrate under Section 156 (3) of the Criminal Procedure Code, 1973 or 175(3) of the BNSS, as the case may be. It is so because disputed question of facts are involved in such matters for which appropriate remedy is to approach jurisdictional Magistrate. We do not find any reason to take a different view in the instant matter. The petitioner should be well informed that he has alternate and equally efficacious remedy available in law, which he may avail if so desired.

9. The petition is accordingly dismissed with liberty to avail remedy as available in law.

(JUDGE)

(JUDGE)