



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

CRIMINAL WRIT PETITION NO. 358/2026

**Smt. Shakuntala @ Smita W/o Ravindra Wasnik Vs. The State of
Maharashtra, Home Secretary, Maharashtra and others**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. P.P. Kotwal, Advocate for petitioner
Mr. A.J. Gohokar, APP for Respondent – State

**CORAM: URMILA JOSHI PHALKE AND
NIVEDITA P. MEHTA, JJ.**

DATED : 06.05.2026

1. By this petition, the petitioner is seeking directions to the respondent Nos.2 and 3 to register FIR against the accused and also directions to the respondent Nos.2 and 3 to arrest the accused persons for commission of offence under Sections 191, 310, 324(3), 324(4), 326, 330, 331 R/w Section 3(5) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and under various sections of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities), Act, 1989.

2. As per the contention of the petitioner, the petitioner had entered into an agreement to purchase a house property bearing House No. 3879, Khasra No. 21/1, Mouza : Indora, Ward No. 67, Jaripatka, Nagpur for total consideration of Rs. 9,50,000/- and she had already paid earnest amount of Rs.6,00,000/- to the owner, who handed over the possession of said house property to the petitioner. However, the original owner failed to execute the registered sale deed in favour of present petitioner despite of her repeated request. The

Civil Court also dismissed the civil suit preferred by the petitioner and alternate prayer of refund of earnest amount of Rs. 5,00,000/- was allowed. Being aggrieved with the same, the present petitioner also preferred appeal. On 06.04.2026, when the petitioner was present in the Court to attend the date, the husband of the petitioner received call from her daughter wherein she informed that 40 to 50 people gathered near their house along with respondent No.1 and threatened to demolish the house, therefore, he approached to the police to lodge report, however, police have not taken cognizance of his grievance, therefore, he also issued various representations to the superior officers of the police, but no action was taken and hence, she approached this Court for seeking directions.

3. We have pointed out the learned counsel, the provisions under Section 173(4) of the BNNS, which specifically states that “any person aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in sub-section (1), may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Sanhita, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence failing which he may make an application under sub-section (3) of Section 175 to the Magistrate”.

4. Thus the other efficacious remedy is already available to the present petitioner. In view of that, we shown our disinclination to entertain the present petition. The petition is accordingly dismissed.

5. The petitioner shall take appropriate steps to address his grievance by approaching to the Magistrate.

6. The petition is dismissed and disposed off.

(NIVEDITA P. MEHTA,J.)

(URMILA JOSHI PHALKE, J.)

MP Deshpande