

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION No.838 OF 2008

Mr. Advay Prashant Hiray

Petitioner

Vs.

The State of Maharashtra & Ors.

Respondents

Mr. Anilkumar Patil, for the Petitioner.

Mrs. M. M. Deshmukh, APP, for the Respondent.

CORAM : F.I. REBELLO, &
A. A. KUMBHAKONI, J.

DATE : SEPTEMBER 30, 2008.

PC :-

1. The petitioner had earlier approached this court by way of Public Interest Litigation No. 160 of 2007. That was disposed of on 31st January, 2008. A statement was made on behalf of the State Government that the concerned police officer will examine the case and decide whether the case for taking the cognizance is made out or not. On examining the case, the concerned police officer arrived at the conclusion that no case for cognizance is made out.

2. The petitioner has approached this Court by way of present Writ Petition once again to contend

that FIR should be registered.

3. The reply has been filed on behalf of the respondent-State. The learned counsel appearing on behalf of the petitioner relies on the judgment of the Supreme Court in a case of **State of Harayana and Ors. Vs. Ch. Bhajan Lal & Ors.**, reported in **AIR 1992 Supreme Court 604.**

4. We have heard the learned counsel. It is not as if that there is no remedy available to the petitioner, on the police authorities failing to register the complaint. It is always open to the petitioner to move the appropriate Magistrate to whatever relief, he is entitled to.

5. With above observations, petition is dismissed.

Sd/-
[F.I. REBELLO, J.]

Sd/-
[A. A. KUMBHAKONI, J.]