

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

Criminal Writ Petition No.138/2020

(Anand Soni V State of 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

Mr. V.N. Patre, Adv for petitioner.
Mr. A.S. Dhore, Adv for resp. nos. 6 and 7.
Mr.T.A. Mirza, APP for resp. nos. 1 to 5.

CORAM : M.S. SONAK & PUSHPA V. GANEDIWALA, JJ.
DATE : 30-11-2021.

In this petition we find that some complaints have been made against the Police officials. The learned Counsel for the respondents points out that under Section 22P of the Maharashtra Police Act, 1951 (the said Act), the State Government has constituted a State Police Complaints Authority (S.P.C.A.). They submit that since, the petitioner has alternative remedy of approaching the S.P.C.A., the present petition may not be entertained.

2. We have perused the provisions of Section 22P of the said Act.

3. Mr. Mirza, learned APP has informed us that such S.P.C.A. is indeed constituted and the Chairperson is a retired Judge of this Hon'ble Court.

4. Since the petitioner has alternative and efficacious

remedy available to him, we are not inclined to entertain the present petition, but grant the petitioner liberty to approach the S.P.C.A.. If the petitioner indeed files a complaint before the S.P.C.A., we are quite sure the same will be disposed of the S.P.C.A. within a reasonable period by affording fair opportunity to all concerned.

5. With liberty as aforesaid and without entertaining into the merits of the rival contentions, we dispose of this petition.

6. We clarify that all contentions of all parties are expressly left open for determination by the S.P.C.A. should the petitioner indeed files a complaint before the S.P.C.A.

7. Petition is disposed of in the aforesaid terms. There shall be no order as to costs.

(Pushpa V. Ganediwala, J.)

(M.S. Sonak, J.)

Deshmukh