

VERDICTUM.IN

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ITEM NO.44 + 68

COURT NO.5

SECTION II-A

S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 35959/2024

(Arising out of impugned final judgment and order dated 09-05-2024 in CRLPIL No.05/2022 passed by the High Court of Judicature at Bombay At Aurangabad)

THE STATE OF MAHARASHTRA & ORS.

Petitioner(s)

VERSUS

HINDU JANJAGRUTI SAMITI & ANR.

Respondent(s)

IA No. 191024/2024 - CONDONATION OF DELAY IN FILING

IA No. 191027/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 191030/2024 - EXEMPTION FROM FILING O.T.)

WITH

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SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 40621/2024

IA No. 202022/2024 - CONDONATION OF DELAY IN FILING

IA No. 202023/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 203834/2024 - EXEMPTION FROM FILING O.T.

IA No. 202025/2024 - EXEMPTION FROM FILING O.T.

IA No. 203832/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 202024/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 202021/2024 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 09-09-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s)

Mr. Tushar Mehta, Solicitor General
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Preet S. Phanse, Adv.
Mr. Adarsh Dubey, Adv.
Mr. Gourav Agrwal, Sr. Adv.

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Mr. Ravindra Keshavrao Adsure, AOR
Ms. Nikita Vilasrao Borde-patil, Adv.
Mr. Sagar N. Pahune Patil, Adv.
Mr. Yash Prashant Sonavane, Adv.

For Respondent(s) Mr. Sanjeev Deshpande, Sr. Adv.
Mr. Vishnu Shankar Jain, AOR (appearance not given)

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Tushar Mehta, learned Solicitor General of India.

2. The Counsel submits that the practice of auction of the throne donation box in the Tuljabhawani Temple was stopped long back on 20.04.2010, on orders of Joint Charity Commissioner, Latur. Moreover, there are multiple inquiry reports on the same subject matter. It is further submitted that during the relevant period 1999 to 2009, various Government Officers from SDM to Collector level, were posted in their Ex-Officio capacity, in the Temple Trust Board. Therefore, the direction given by the High Court to register an FIR on the basis of the differing reports will have far reaching implications for many who have long superannuated and are no more connected with the Government.

3. The learned Solicitor General submits that the complainant could have taken recourse to the provisions of Section 156 of the CrPC instead of invoking the extraordinary jurisdiction of the High Court. The ratio in *Sakiri Vasu vs. State of Uttar Pradesh and others* reported in (2008) 2 SCC 409 is relied by the counsel, where the following was observed:-

"26. If a person has a grievance that his FIR has not been registered by the police station his first remedy is to approach the Superintendent of Police under Section 154(3) CrPC or other police officer referred to in Section 36 CrPC. If despite approaching the Superintendent of Police or the officer referred to in Section 36 his grievance still

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persists, then he can approach a Magistrate under Section 156(3) CrPC instead of rushing to the High Court by way of a writ petition or a petition under Section 482 CrPC. Moreover, he has a further remedy of filing a criminal complaint under Section 200 CrPC. Why then should writ petitions or Section 482 petitions be entertained when there are so many alternative remedies?"

4. Mr. Sanjeev Deshpande, learned Senior Counsel appears for the respondent on caveat.
5. Issue notice, returnable in four weeks. Formal notice need not be issued to the respondent No.1, who is represented by Mr. Vishnu Shankar Jain, learned AOR.
6. In the meantime, the operation of the impugned order dated 09.05.2024 is stayed.

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s).40621/2024 (Item No.68)

Permission to file SLP is granted.

2. Delay condoned.
3. Heard Mr. Gaurav Aggarwal, learned Senior Counsel along with Mr. Ravindra Keshavrao Adsure, learned counsel for the petitioner(s)
4. The counsel submits that the petitioners are also the Ex-Officio member of the Trust of the Tuljabhawani Temple and are directly impacted by the High Court's judgment dated 09.05.2024.
5. Issue notice. Tag with Special Leave Petition (Criminal) Diary No(s). 35959/2024.

(DEEPAK JOSHI)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR