

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 2344 OF 2014

Laxman Jayaram Arekar

.. Petitioner

v/s.

State of Maharashtra

..Respondent

Ms. Mallika A. Ingale for the petitioner

Mr. K.V. Saste, APP for respondent State

CORAM: RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED: 15th JULY, 2015.

P.C.

1. Heard.

2. This petition is filed for following reliefs :-

“(a) This Hon'ble Court may be pleased to issue a writ of certiorari or appropriate writ or direction under Article 226 of the Constitution of India to transfer the investigation / inquiry as per order dated 14.02.2014 in Criminal Writ Petition No.4133 of 2013, against Police Officer Ajay Sindkar, to any other independent investigating agency as this Hon'ble Court may deem fit.

(b) This Hon'ble Court may be pleased to issue a writ of certiorari or appropriate writ or direction under Article 226 of the Constitution of India to Saatpati Police Station

to take action on representation dated 18.03.2014 as per the provision of law.”

3. Mr. Saste, learned APP on instructions, makes a statement that the investigation into the FIR No.I-42 of 2012, registered with Saat Pati Police Station is already completed, charge-sheet is filed and charges are also framed against the son of the petitioner. He further submits that as per the order dated 14.02.2014 passed by the Division Bench of this Court in Criminal Writ Petition No.4133 of 2013, in-house inquiry was conducted by Dy.S.P. and Additional Superintendent of Police, Thane Rural. He further submits that the inquiry reveals that allegations made in the complaint are without any substance. Mr. Saste, learned APP states that in view of the in-house inquiry referred above, no merit was found in the said representation filed by the petitioner. In view of the statement, relief claimed in prayer clause (a) will not survive.

4. So far as relief claimed in prayer clause (b) is concerned, the petitioner has raised grievance similar to one which is raised in the

Writ Petition No.4133 of 2013. Learned Counsel for the petitioner makes a grievance that the copy of the inquiry report is not given to the petitioner. Mr. Saste, learned APP states that if the petitioner approaches Superintendent of Police, Thane (Rural), the same would be given expeditiously. Nevertheless, it is made clear that if the petitioner is aggrieved, he can always approach the concerned Magistrate in respect of the grievance made by him in the said complaint. Therefore, we are not inclined to grant relief claimed in prayer clause (b).

5. In the above circumstances, the Writ Petition is dismissed accordingly.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)