

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3042 OF 2015

Shri Dadu Bhaurao Salve ..Petitioner
Versus
The Commissioner of Police, Thane and ors. ..Respondents

Mr. Dushyant S. Pagare, advocate for the petitioner.
Mr. J. P. Yagnik, APP for the State.

**CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.**

DATE : 8th DECEMBER, 2015.

P. C. :

Heard Mr. Dushyant Pagare, learned counsel for the petitioner and Mr. Yagnik, learned APP for the State.

2. The petition is filed seeking direction to respondent Nos. 1 and 2 to investigate the matter relating to cause of death of the petitioner's brother – Khandu Bhaurao Salve and to register FIR against respondent No.4-wife of the deceased.

3. Admittedly, the deceased – Khandu Bhaurao Salve was suffering from Tuberculosis and he was admitted in the hospital. He was given prolonged treatment. Khandu Bhaurao Salve died on 26th August, 2013 on account of burn injuries. The police registered ADR. In an inquiry carried out by the police, they came to the conclusion that the

death of Khandu was either suicidal or accidental and it was not a case of homicide murder. The police are in the process of finalising the report.

4. The petitioner has annexed his complaint made to the Superintendent of Police, Thane (Rural) at "Exhibit B", page 17 of the petition. This complaint is made for the first time on 12th September, 2013. In this complaint, the petitioner expressed his suspicion about the death of the deceased – Khandu as he was not informed about his death by the family members of the deceased. It seems that the petitioner, thereafter, in the month of November-2013 filed further complaint before the District Superintendent of Police, Thane (Rural) expressing suspicion that respondent No.4- wife of the deceased might have committed the murder of his brother. We find that the allegations at the first instance does not disclose any suspicion against respondent No.4- wife of the deceased. The deceased – Khandu was married to respondent No.4 and had two children. There are no previous complaints as against respondent No.4- wife of the deceased. The deceased was a Government Servant. It seems that the present dispute is raised on account of service benefits of the deceased. In the circumstances, at this stage, we are not inclined to entertain this petition. The petition is, accordingly, dismissed.

5. However, it is made clear that the observations made hereinabove shall not come in the way of investigating agency in carrying out the investigation and they shall independently investigate the complaint and file an appropriate report.

6. In the event, such report is filed by the police, a copy of the same shall be given to the petitioner within a period of two weeks from the date of filing of the same. The petitioner will be at liberty to adopt appropriate proceeding if not satisfied with the inquiry conducted in the matter.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]