

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

WRIT PETITION NO. 1477 OF 2016

Shri Rahul Kamalakar Patil ... Petitioner

V/s.

Shri Bhola Babadeen Tiwari & ors. ... Respondents

Ms. Yogita M. Deshmukh for the petitioner.
Mrs. S.D. Shinde, APP for the State.

**CORAM : NARESH H. PATIL AND
A.M. BADAR, JJ.**

3rd May, 2016.

P.C.

The petitioner's allegation is that initially police failed to register FIR on the complaint lodged. It is further alleged that inspite of the fact that police recovered suicide note on the spot of incident, still the investigating officer did not find it necessary to register FIR. The FIR came to be registered only after the learned Magistrate passed order under Section 156(3) of the Cr.P.C.. The petitioner prays for following reliefs:

“ (a) That this Hon'ble Court be pleased to issue a writ of mandamus/certiorari and or any other writ, order or direction, directing the investigation of the FIR bearing No. 39 of 2016, registered with Palghar Police Station, District: Palghar, be transferred to any other independent investigation agency such as Local Crime Branch or CID.

(b) This Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction, thereby directing the respondent nos. 5 and 6 to take appropriate departmental and any other suitable action under the law, against the Respondent Nos. 1 to 4.”

2. Learned Counsel has reason to submit that fair investigation will not be conducted by the Investigating Officer who is Incharge of the file. Prima-facie we are of the view that investigation of this case has to be handed over to the Senior Inspector of Police Station.

3. We direct that investigation of this case shall be taken over by the Senior Police Inspector of the Police Station. Investigation shall be done under the supervision of Superintendent of Police of the concerned zone.

4. We direct the Superintendent of Police, Palghar to supervise the

investigation. In case the petitioner or relatives of the deceased desire to have interaction with the Superintendent of Police then they shall be permitted.

5. In case supplementary statements of petitioners and other relatives are required to be recorded, we direct that such statements shall be recorded.

6. We direct that within four weeks final report shall be filed by the police after taking approval of the Superintendent of Police, Palghar.

7. We further direct Superintendent of Police, Palghar to call for explanation from the investigation officer who was Incharge of this case as to why FIR was not registered.

8. With aforesaid observations and directions, petition is disposed of with liberty. Registry to forward copy of this order to Superintendent of Police, Palghar by fastest mode of communication.

(A.M. BADAR, J.)

(NARESH H. PATIL, J.)