

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

CRIMINAL WRIT PETITION NO. 2804 OF 2016

Asha Vinod Sharma ... Petitioner

V/s.

The State of Maharashtra & ors. ... Respondents

Mr. L.M. Shukla i/b. Mr. Ravi Dubey for the petitioner.
Mrs. A.S. Pai, APP for the State.

**CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.**

7th October, 2016.

P.C.

The 67th Metropolitan Magistrate, Mumbai passed order dated 18th April, 2015 under Section 156(III) of the Cr.P.C.. The Investigating Officer Mr. Shrimant Shinde submitted a report addressed to Metropolitan Magistrate on 12th April, 2016 seeking permission to file a chargesheet against the accused persons for an offences punishable under Section 324 IPC. According to Investigating Officer, no offence was made out against accused persons for the offences punishable under Sections

452, 326,345,376,511 read with Section 34 IPC. The copy of the said report is annexed at Exhibit I to the petition.

2. Earlier to Mr. Shinde, the API Mr. Jadhav was investigating the case. The petitioner made certain allegations against the conduct of API Mr. Jadhav.

3. The Investigating Officer Mr. Shrimant Shinde is present in Court. The ACP of concerned zone Mr. Subhash Vele, Samtanagar Division is also present in Court. Learned APP submits that in fact there was no necessity for the concerned Investigating Officer to file a report of the nature which was submitted to the Magistrate, copy of which is annexed at Exhibit I to the petition. Learned APP on instructions submits that the police would fairly investigate into the complaint and submit appropriate report on its own merits.

4. We have perused the record placed before us. The report submitted by Mr. Shinde annexed at Exhibit I addressed to the Magistrate is also perused by us. In the facts, we direct that further investigation be carried out by officer deputed by the Assistant Commissioner of Police. The final report shall be filed after seeking approval by the Assistant

Commissioner of Police within three weeks from today. It is clarified that this Court has not expressed any opinion on the merits of the complaint made by the petitioner. In case the report filed by the police is adverse to the interest of the petitioner then appropriate remedy as prescribed within Criminal Procedure Code be resorted to.

5. With aforesaid directions and observations, petition stands disposed of.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.