

vks

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3525 OF 2016

Niyaz Shaikh and anr

.... Petitioner.

V/s.

State of Maharashtra and others

.... Respondents

Mr. Ganesh K. Gole, for the Petitioner.

Mr. J. P. Yagnik, APP for the Respondent State.

**CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 14th DECEMBER, 2016.

P.C. :

1. Heard Mr. Ganesh Gole, learned counsel for the petitioner and Mr. J.P. Yagnik, APP for the State.

2. By this petition, the petitioner seeks following reliefs:-

(a) That this Hon'ble Court may kindly issue the writ of mandamus or any other appropriate writ thereby directing the respondent Nos. 1 and 2 initiate enquiry against the Respondent Nos. 3 and 4 and,

(b) That this Hon'ble Court may kindly issue the writ of mandamus or any other appropriate writ thereby directing the respondent Nos.1 and 2 to transfer the investigation of the instant C.R. Nos. 192 of 2016 and 193 of 2016 registered with Vanrai Police Station to other police station or other state

agency.

3. C. R. No.192 of 2016 is registered at the instance of petitioner's daughter and C.R.No.193 of 2016 is registered at the instance of accused in C.R.No.192 of 2016.

4. Mr. Yagnik, learned APP, on instructions, makes statement that so far as C.R.No.192 of 2016 is concerned, investigation is complete and chargesheet is filed before the concerned police station. She further states that as far as C.R.No.193 of 2016 is concerned in which the petitioner is accused, investigation is not complete for want of his co-operation.

5. Since Chargesheet is already filed in respect of C.R. No.192 of 2016, which is registered at the instance of petitioner's daughter, we are not inclined grant this prayer.

6. By prayer clause (a), the petitioner is seeking prompt action against respondent Nos. 3 & 4. In respect of this relief, the petitioner has alternate efficacious remedy by way of making complaint before State Police Complaining Authority. The petitioner is at liberty to make such complaint before State Police Authority.

7. In view of this, we are not inclined to consider this prayer also.

8. Mr. Gole, learned counsel appearing on behalf of petitioner, at this stage, submits that the petitioner has also made complaint on 18th February, 2016 before Vanrai Police Station about circulation of the video clip of his daughter. Police have only registered N.C.

9. So far as this complaint is concerned, petitioner is claiming relief of transfer of investigation in respect of C.R. Nos. 192 of 2016 and C.R. No.193 of 2016 and further prayed for action against respondent Nos. 1, 3 and 4 who are Police Officers.

10. In that view of the matter, the grievance about his complaint dated 18.2.2016, cannot be considered. The Petitioner is at liberty to take appropriate proceeding in that regard.

11. Subject to above, petition is disposed of.

[DR. SHALINI PHANSALKAR JOSHI, J.]

[RANJIT MORE,J.]