

pdp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4325 OF 2015

Sagar Motilal Choudhary

.. Petitioner

Vs.

1. The State of Maharashtra and anr.

.. Respondents

Mr. Niranjan Mundargi i/by Mr. S. R. Karpe for petitioner.

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

Mr. Sachin Dhakephalkar for respondent no.2.

CORAM: NARESH H. PATIL &
PRAKASH D. NAIK, JJ.

AUGUST 12, 2016.

P.C.

1. The petitioner seeks to quash FIR No. 458 of 2015 dated 17/10/2015 registered with Panchavati Police Station, Nashik, District - Nashik for offences punishable under Section 306 read with Section 34 of the Indian Penal Code.

2. Learned counsel appearing for the petitioner submits that petitioner had filed a complaint for offence punishable under Sections 307, 511, 384, 385, 392 read with Section 34 of the Indian Penal Code against

deceased Police Inspector Ashok Sadare and one Jeevan Kashinath Patil registered with Ramanand Police Station, Jalgaon. It is submitted that the Magistrate passed an order under Section 156(3) of Cr. P. C., consequent of which FIR No. 76 of 2015 was registered. Deceased Ashok Sadare was suspended on 8/5/2015. On 16/10/2015, PI Sadare, according to the prosecution, committed suicide. He had left a suicide note, according to the prosecution. FIR No. 458/2015 was registered on 17/10/2015 by Panchavati Police Station on the complaint lodged by the wife of deceased Sadare.

3. It is further submitted that on the directions of the Director General of Police, State of Maharashtra, the investigation in second FIR i.e. FIR No. 458/15 was handed over to State CID. The investigation is conducted by Superintendent of Police, CID.

4. Learned counsel for the petitioner submits that bare perusal of the FIR No. 458/15 disclosed that no offence was committed by the petitioner. The petitioner himself was a complainant. FIR No. 76 of 2015 was registered on the complaint of the petitioner, which is being investigated by the local police of Jalgaon.

5. Learned APP states that Superintendent of Police, CID, who is investigating the case relating to death of PI Sadare is present in court. It is submitted that the investigation is going on. The police is verifying audio recordings, expert's report etc. Learned APP, therefore, submits that it would not be a proper stage to examine the petitioner's contentions.

6. The investigation papers of the FIR No. 458/15 relating to death of PI Sadare were produced before us. We have perused the same. It was informed that the FIR registered on the complaint lodged by the petitioner is being investigated by the local police officer of Ramandand Police Station, Jalgaon, whereas the FIR No. 458/15 registered on the complaint lodged by wife of PI Sadare on 17/10/2015 is being investigated by Superintendent of Police, CID.

7. In the facts, we are of the view that investigation in both the FIRs shall be investigated by the same officer i.e. Superintendent of Police, CID.

8. The Director General of Police, State of Maharashtra shall

take into consideration the observations made by us as above and issue appropriate order/instructions.

9. In the facts, we are not inclined to interfere in the matter at this stage as the investigation is in progress in both the cases, but at the same time we are of the view that it is a fit case where a diligent and prompt investigation is required. We direct the Superintendent of Police, CID, Investigating Officer would complete the investigation at the earliest on its own merits and submit a final report.

10. Keeping all the issues on merits open, petition is disposed of with liberty.

11. Parties to act upon an authenticated copy of this order.

12. Registry to forward a copy of this order to the Director General of Police, State of Maharashtra.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)