

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

CRIMINAL WRIT PETITION NO.1720 OF 2016

Smt. Anuja Kapur

.... Petitioner

versus

State of Maharashtra & Ors.

... Respondents

.....

- Smt.Anuja Kapur, Petitioner in person.
- Mr.Mihir Desai, Senior Advocate Amicus Curaie.
- Mr.J.P. Yagnik, APP for the State/Respondent.
- Mr.R.S. Pachundkar, Advocate for Original Complainant in C.R.No.79/16.
- Mr.S.H. Nimbalkar, Advocate for Intervener/Applicant in APPW No.236/17.
- Mr.Deepak Sakore, I.O. - D.C.P. 24 Pune City.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.
DATE : 07th JUNE, 2017.**

P.C. :

1. Heard petitioner in person and learned APP. We have also heard Mr.Mihir Desai, the learned senior counsel.
2. The petitioner seeks exception to the manner in which the investigation is carried out by Chandan Nagar Police Station and Vimantal Police Station, in C.R.No.46/16 and 79/16 respectively. The

victim girls initially approached Kotla Mubarakpur police Station, South Delhi and on their allegations C.R.No.001/2016 and C.R.No.002/16 were registered at Kotla Mubarakpur police Station. Subsequently they were forwarded to the Chandan Nagar and Vimantal Police Station, Pune. The crime registered at Chandan Nagar Police Station was numbered as C.R.No.46/16 for the offence punishable u/s 376, 511, 323, 328, 354-A, 354-B, 506 r/w 34 of the Indian Penal Code. Similarly, crime registered at Vimantal Police Station was numbered as C.R.No.79/16 for the offence punishable u/s 376-D, 363, 328, 342, 312, 323, 506, 366-A r/w 34 of the Indian Penal Code and 4, 6, 12 of The Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and 4, 5, 6 of The Immoral Traffic (Prevention) Act, 1956 (PITA).

3. During the course of investigation in C.R.No.46/16 Chandan Nagar police station arrested four accused. So far as C.R.No.79/16 is concerned, 7 accused are arrested. Thereafter charge-sheet is also filed in both the crimes on 22/06/2016 and 15/07/2016 respectively and further investigation is continued.

4. We have gone through the allegations made in the

petition. The allegations indeed are of serious nature. The allegations are made against the police personnel of the Vimantal police station. The statement was made at the bar, that though now the victim girl in C.R.No.79/16 registered with Vimantal Police Station, is traced, the whereabouts of the victim girl in C.R.No.46/16 registered with Chandan Nagar Police Station, are not known.

5. Considering the seriousness of the allegations made against the police officers, who alleged to have been attached to Vimantal police station, in order to have fair investigation, without going into the nature and merits of the allegations, we are inclined to transfer the investigation to the State, Crime Investigation Department. The Additional Director General of the State, Crime Investigation Department shall assign investigation of these crimes to the Officer not below the rank to the Superintendent of Police. The concerned Investigating Officer shall handover the papers to the officer appointed by the Additional Director General of the State, Crime Investigation Department within a week. We trust and hope that the State CID shall complete further investigation as expeditiously as possible and file appropriate report.

6. It is made clear that we have not gone into the issue of compensation, to which the victim girls are entitled. The victim girls are at liberty to apply independently to the competent authority in this regard. All options are kept open to them.
7. Before parting with the order, we place on record our appreciations for the assistance rendered by Mr.Desai the learned senior counsel and Amicus Curiae.
8. The Writ Petition is accordingly dismissed.
9. In view of the dismissal of the petition, the Application No.236/17 will not survive and is accordingly disposed of.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)