

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2440 OF 2017

AbdulKadar Abubakar Khan and Ors.Petitioners
V/s.
State of Maharashtra and Ors.Respondents

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Mr. A.S. Khandeparkar a/w. Mr. Lokesh Zade i/by.
Khandeparkar & Associates, Advocate for the petitioners.

Mrs. S.D. Shinde, APP for respondent, State.

CORAM :- **R.M. SAVANT &**
SANDEEP K. SHINDE, JJ.
DATE :- **16TH AUGUST, 2017.**

P.C. :-

1. The above criminal writ petition has been filed seeking a direction that the Investigating Agency outside the jurisdiction of the Superintendent of Police, District- Sindhurdurg to investigate and to record the petitioners complaint and to investigate into the offence

and afford justice to the petitioners. Petitioner no.1 is a Retired Police Officer being Assistant Commissioner of Police, Mumbai. It is averred in para-19 that, the petitioners had approached the Deputy Superintendent of Police in respect of their complaint of being assaulted by their purchasers and their henchmen. However, no cognizance was taken of the said complaints made by the petitioners. In such an eventuality, the avenue by way of an application under Section 154(3) Criminal Procedure Code is open for a party to approach the higher authority. The above petition, however, does not disclose that any such approach was made by the petitioners to the higher authorities, except the statement made in para-19. The Learned APP, Mrs. Shinde, points out that, the Superintendent of Police, Sindhudurg is Shri. Dixitkumar Gedam. The Learned Counsel appearing on behalf of the petitioners, Mr. Khandeparkar states that, a representation would be made to the Superintendent of Police, Mr. Gedam within 10 days from date in respect of

the grievances of the petitioner. If any such representation is made on/or before 30th August, 2017 the Superintendent of Police, Sindhudurg, Mr. Dixitkumar Gedam will personally look into the said complaint and take appropriate decision thereon which he would communicate to the police station concerned, as well as, to the petitioners. With the aforesaid directions, the writ petition is disposed of.

2. The parties to act on a copy of this order duly authenticated by the Court Sheristedar.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)