

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION (CWP) NO. 752 OF 2016

(Mayure s/o Suresh Lonare vs. State of Maharashtra thr. Secretary, Department of Home & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.
APRIL 12, 2017.**

Heard Shri P.V. Navlani, learned counsel for the petitioner and Shri M.J. Khan, learned APP for the respondents.

2. As responsible officers of the State Government, Respondent Nos. 1, 2 and 3 ought to have pointed out steps taken by them against the Police Officers, who did not carry out investigation properly, after first report was received.

3. The explanation by the learned APP is, the victim then told that she left house because of problem in the house.

4. As per petitioner, she was then minor and respondent No. 1 – State has accepted that fact. The question is, whether a minor wandering endlessly because of some problem at home can be picked up from road by anybody and subjected to any ill-treatment.

5. As responsible officers, the respondents should have taken suitable action against the erring Police officers. That has not been done. The learned APP when accosted with this fact, submits that his instructions fall short as

nothing has been communicated to him in this respect.

6. Shri Navlani, learned counsel has invited our attention to prayer clause ((ii) which seeks specific direction to initiate a Departmental inquiry against the erring officer.

7. As per orders of this Court dated 08.02.2017, investigation has been transferred to local Crime Branch and it has thereafter properly looked into the grievance, material has been collected against the persons involved and investigation is being carried out. Therefore, prayer clause (i) is rendered infructuous. However, prayer (ii) is very much there right from first day. The respondents have conveniently avoided to submit reply to it.

8. In this situation, we direct Respondent Nos. 1 to 3 to pay an amount of Rs.21,000/ (Rs. Twenty one thousand) each as provisional compensation to the petitioner – victim within a period of six weeks from today. Then they are free to take Departmental action or any other action including criminal action in accordance with the provisions of law against the erring officers. If the costs are not paid or the action is not taken, we grant the petitioner leave to approach this Court again.

9. With these directions and observations, we partly allow and dispose of the present Criminal Writ Petition.

An ordinary copy of this order be furnished to the learned counsel for the parties.

JUDGE

JUDGE

*GS.