

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 5216 OF 2017

Sukeshanee Shashikant KamblePetitioner

V/s.

The State of Maharashtra and

Ors.

....Respondents

* * * * *

Mr. Ravindra Lokhande, Advocate for the petitioner.

Mr. K.V. Saste, Addl. P.P. for the State.

CORAM :-

R.M. SAVANT, &

SANDEEP K. SHINDE, JJ.

DATE :-

29TH JANUARY, 2018.

P.C. :-

1. The above Writ Petition has been filed for setting aside the report dated 13th September, 2017 of the Sub-Divisional Police Officer, Vasai Sub-Division. The said report is in respect of the allegation made by the petitioner and other ladies residing in the police quarters as regards making the right of way available to a third

party through the police establishment.

2. A reading of the report, discloses that the petitioner and other ladies were requested to remain present before the Sub-Divisional Police Officer. However, they have refused to do so on the ground that the Sub-Divisional Police Officer is not entitled to enquire into their allegations. The report concludes by observing that the road in question has been depicted in the development plan published by the Vasai Municipal Corporation and therefore the grievance made by the petitioner and the other ladies who are residents of the police quarters, has no merit. It is the contention of the petitioner that, we in our writ jurisdiction under Article 226 of the Constitution of India, should sit in judgment over the said report dated 13th September, 2017. We are unable to accept the said contention. Firstly, because the petitioner and the other co-complainants refused to appear before the Enquiry Officer when called upon to do so and secondly if the petitioner is aggrieved by the said report submitted by the

Sub-Divisional Police Officer, the petitioner can always approach the higher authorities. In that view of the matter, we decline to exercise our writ jurisdiction. The writ petition is accordingly dismissed.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)