

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1135 of 2019

Sheetal Devang Shah .. Petitioner
Versus
The State of Maharashtra & Ors .. Respondents

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Sheetal Devang Shah, petitioner in person present.

Mrs.A.S. Pai, APP for the Respondent-State.

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**CORAM: SHRI RANJIT MORE &
SMT. BHARATI H.DANGRE, JJ.**

DATED : 4th JUNE 2019

P.C:-

1. The petitioner appearing in person has approached this Court seeking multiple reliefs. The foremost reliefs sought in the petition seeks transfer of investigation of all five FIR's bearing C.R. No's. 161 of 2018, MECR No.06 of 2018, 0366 of 2018, 544 of 2018, 554 of 2018 registered with different police stations. Three of these FIR's vide C.R. No.161 of 2018 and 462 of 2018 and MECR No.06 of 2018 are being investigated by the Crime Branch whereas the other two C.R.'s are being investigated by Juhu Police Station and Andheri Police Station respectively.

2. The petitioner in the petition is present in person and

while arguing the matter before us, she has expressed an apprehension that the crimes registered are not being properly investigated on account of the pressure by her husband and his family members.

We have inquired with the learned APP Mrs.Pai about the progress of the investigation. She informs that as regards three crimes which are been investigated by the Crime Branch, the notice under Section 191 in the petition is issued to the petitioner by the Investigating Officer Ms.Asha Korke in the month of January. However, the petitioner has not responded to the said communication and this submission of the learned APP is fortified by the petitioner herself as she states that she has not approached the investigating officer since she has an apprehension that if the original papers if handed over to the Investigating Officer, it would cause serious prejudice to her. Mrs.Pai, learned APP fairly suggested that the grievance of the petitioner can be looked into that by the senior officer and she submitted that allegations made in the complaint cannot be investigated unless and until the said documents are produced in original and forwarded for analysis since the petitioner alleges forgery. She assured to this Court that the said documents can be taken in possession by executing a panchnamma

so that apprehension expressed by the petitioner is taken care of.

3. The petitioner in the present petition has levelled serious allegations against the senior police officers. However, when we expressed to the petitioner that we are ready to direct the Police Commissioner to look into the entire narration of the petition by treating it as a representation and then the Commissioner of Police would depute some high ranking police officer and not below ranking of Assistant Commissioner of Police, the petitioner expressed the satisfaction and stated that she would be satisfied with such a direction.

4. In such circumstances, in view of the allegations and counter allegations levelled by the petitioner and the respondent, we are of the view that interest of justice would be served if the petition in its entirety is treated as representation by the Commissioner Police and we direct the Commissioner of Police to take cognizance of the said representation within a period of four weeks from today. On perusal of the grievance raised in the petition the Commissioner i.e. respondent No.2 is then directed to assign the investigation of all the five FIR's to responsible High Ranking Officer not below the rank

of Assistant Commissioner of Police and on such officer being designated to investigate, the petitioner shall co-operate with the said investigation. With these directions the petition is disposed of.

5. So far as other grievance of the petitioner is concerned which are set out in the petition, the petitioner is at liberty to independently pursue her own remedy available in law.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)