

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 CRIMINAL WRIT PETITION NO.795 OF 2022

SWAPNIL HASMUKHLAL JAISWAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Advocate for Petitioner : Mr. Wagh Mukulanand R.
APP for Respondent Nos. 1 and 2 : Mr. A. V. Deshmukh
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**CORAM : SARANG V. KOTWAL AND
BHARAT P. DESHPANDE, JJ.
DATED : 8th JULY 2022**

PER COURT:-

1. This petition is filed for directions to respondent No.2 to change the investigating officer who is investigating into the offence at present registered vide C.R. No. 37 of 2022 at Nijampur police Station, Tq. Sakri, District Dhule for the offences under section 25 of the Arms Act, 1959 and Sections 307, 323, 390, 504 and 506 of I.P.C.

2. Heard.

3. The main grievance of the petitioner is that the F.I.R. was registered in his absence and his statement is not recorded by the police. Some of the important grievances of the petitioner are as follows:-

- i. He had approached the Court of Magistrate and obtained the order under Section 156(3) of Cr.P.C. Subsequent to that, the F.I.R. was registered but no separate statement was recorded and some important features of his complaint were not included in the F.I.R.
 - ii. The Investigating officer is not recording the statements of other family members of the first informant.
 - iii. The investigating officer is forcing him to compromise the matter with the accused.
4. The petitioner has given his representation dated 4.5.2022 to the Superintendent of Police, Dhule and has mentioned his grievance against the investigating officer. At this stage, it is not really necessary to go into the truthfulness of the grievances made by the complainant about the investigating officer. That would not serve any purpose. Therefore, we are not making any observations on the conduct of the investigating officer. However, since the complainant has grievances and has suffered, according to him, at the hands of the accused, in the interest of justice, it is necessary that his grievances are taken seriously by some other police officer and to conduct the investigation fairly. Hence, the following order:-

O R D E R

- I. The District Superintendent of Police, Dhule is directed to

appoint another police officer to conduct the investigation in C.R. No. 37 of 2022 registered at Nijampur police Station, Tq. Sakri, District Dhule.

II. The criminal writ petition is disposed of.

5. It is made clear that this order shall not be construed as any adverse opinion on the conduct of the investigating officer presently investigating this offence.

(BHARAT P. DESHPANDE, J.)

(SARANG V. KOTWAL, J.)

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