

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3407 OF 2022**

Khushboo Azad Khan

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. S.A. Shaikh a/w. Mr.Shafi Shaikh & Mr.Fakhruddin Khan for Petitioner.

Mr. A.S. Pai, P.P for Respondent-State.

Mrs.Shireesh Milind, P.I., Govandi Police Station.

**CORAM : A.S. GADKARI AND
MILIND N. JADHAV, JJ.****DATE : 26th September 2022.****PC. :**

1. Mrs.Pai, learned A.P.P. submitted that, in pursuance of Order dated 19th September 2022, she has personally viewed the CCTV footage of the alleged incident dated 14th September 2022. She submitted that, nothing objectionable is found in the said CCTV footage, which will substantiate the allegation of the Petitioner about harassment at the hands of the Investigating Officer in CR No.122 of 2022 registered with Shivaji Nagar Police Station, Govandi, Mumbai. She further submitted that, Mr.S.A. Shaikh, learned counsel for Petitioner has also viewed the said CCTV footage at Police Station.

2. Mr.Shaikh fairly conceded to the fact that, nothing objectionable and/or supporting the contention of the Petitioner is noticed in the said CCTV

footage of 14th September 2022.

3. In view thereof, we find that the allegations made by the Petitioner qua the Investigating Officer of CR No.122 of 2022 is nothing but her own figment of imagination coupled with exaggeration. As far as prayer Clause (a) of the present Petition is concerned, i.e. writ of habeas corpus for production of corpus of minor victim girl, namely, Khushi Mohd. Azad Khan is concerned, Mr.Shaikh, learned counsel for Petitioner on instructions submitted that, the said victim girl had been to Uttar Pradesh along with her elder sister and brother and has returned to Mumbai on 14th September 2022. That the victim minor girl, namely, Khushi Mohd. Azad Khan is now in the lawful custody of her mother i.e. the Petitioner. In view thereof, the present Petition for habeas corpus is worked out and does not survive any further.

4. Learned A.P.P. on instructions submitted that, the minor girl, namely, Khushi Mohd. Azad Khan is accused in CR No.122 of 2022 and her assistance and/or presence for investigation of the said crime is necessary.

In view thereof, the Petitioner is directed to produce the said minor girl before the Investigating Officer of CR No.122 of 2022 for the purpose of investigation after receipt of notice in writing to that effect.

5. In view of the facts recorded in forgoing paragraphs with respect to alleged harassment and/or beating by concerned Police Officer to the Petitioner and the reliefs sought with respect to the said incident in the

present Petition are concerned, as noted earlier, neither the Public Prosecutor nor the Advocate for the Petitioner noticed any objectionable thing to support the allegation of the Petitioner of her assault. Even otherwise perusal of Injury Certificate issued by the Medical Officer attached to Lokmanya Tilak Hospital indicates that, though the Petitioner had narrated history of assault by the Police on her back of left hand and right foot, the Medical Officer did not find any injury to corroborate the said version and nothing is mentioned in the said certificate to substantiate the allegation made by the Petitioner in para No.5 of the Petition. In view thereof, this Court is of the opinion that, the grievance of the Petitioner to that effect has no substance in it.

6. Petition is accordingly disposed off in the aforesaid terms.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]

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