

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION (WP) NO. 865/2022

Anjana Bharat Ganatra
Age – 32 years, Occ – Housewife,
R/o Milind Nagar, Tq. Telhara,
District – Akola.

..... PETITIONER

// VERSUS //

1. State of Maharashtra,
Through Home Department,
Mantralaya, Mumbai – 400 032.
2. State Police Complaint Authority,
4th Floor, MTNL Building,
Opposite Cooperage Football Ground,
Maharshi Karve Road,
Nariman Point, Mumbai.
3. Divisional Police Complaint Authority,
Amravati, Office of Police Commissioner,
Rana Nagar, Amravati – 444606.
4. Superintendent of Police, Akola,
Tq. Akola, District – Akola.
5. Vikas Sukhdeo Deore,
Police Inspector, Tq. Telhara,
District – Akola.
6. Suresh Laxman Kale,
Police Constable, Buckel no. 1438,
Tq. Telhara, District – Akola.

.... RESPONDENT(S)

Mr. V.B. Bhise, Advocate for the petitioner
Mr. I.J. Damale, APP for respondent nos. 1 to 4

**CORAM : SUNIL B. SHUKRE AND
M. W. CHANDWANI, J.J.**

DATED : 13/12/2022

ORAL JUDGMENT : (PER:- SUNIL B. SHUKRE, J.)

Heard the learned Counsel for the petitioner and the learned APP for respondent nos. 1 to 4, who appears by waiving notice on their behalf. Notice to respondent nos. 5 and 6 is not necessary as the Authorities are required to look into the grievance of the petitioner and take a decision, in accordance with law, by considering the material available on record and if necessary, by calling the aggrieved persons.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned Counsel appearing for the parties.

3. The grievance of the petitioner is that although, she had made specific complaint against respondent nos. 5 and 6 and also the concerned Police Station, Telhara alleging that the Police Station, Telhara has been shielding the accused persons from their arrest and they are not being subjected to investigation, the Police Authority – respondent no. 2 has turned a blind eye to the grievances of the petitioner. It is further submitted by the petitioner that the Police Authority – respondent no. 2 closed the complaint on a technical ground that there is not in existence the Divisional Police Complaint Authority, Amravati.

It is her submission that such complaint ought to have been addressed and decided by the Police Authority – respondent no. 2 itself or if, the Divisional Police Complaint Authority, Amravati was not functional, it was duty of the Police Authority – respondent no. 2 to send the complaint to the concerned Superintendent of Police for its proper consideration and also taking of a suitable decision thereof, which the Police Authority – respondent no. 2 has failed to do.

4. We find substance in the submission of the learned Counsel for the petitioner. We have perused the complaint which is at page 25. It makes specific allegations of giving of illegal protection to the accused persons by some police of Police Station, Telhara. Such complaint is required to be looked into and disposed of by following the due process of law and it cannot be disposed of on the mere technical ground that some Authority (i.e. Divisional Police Complaint Authority, Amravati) is not functional. We are of the view that the purpose of this petition would be served by directing respondent no. 4 – Superintendent of Police, Akola to look into the complaint and take such a decision as he deems fit in the matter, recording his reasons therefor and by following the due process of law.

5. In the result, the writ petition is partly allowed.

6. It is directed that the respondent no. 4 – Superintendent of Police, Akola shall treat the complaint, at page nos. 25 to 27 of this writ petition dated 27.07.2020, made to the State Police Complaint Authority, Mumbai as a complaint made to him and thereafter, consider the grievances made therein, in accordance with law and take such a decision as he deems fit in the matter by following the due process of law within a period four weeks from the date of receipt of this order. We further direct the respondent no. 4 – Superintendent of Police, Akola to record reasons for taking decision in respect of the complaint dated 27.07.2020.

7. Rule is made absolute in the aforesaid terms with no order as to costs.

(M. W. CHANDWANI, J.)

(SUNIL B. SHUKRE, J.)

SANDIP
MAHADEV
GATE

Personal Assistant to the
Hon'ble Judge
Digitally signed by
SANDIP MAHADEV GATE
Date: 2022.12.14
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