

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.538 OF 2017

KESHAV S/O. DNYANESHWAR BHATKUTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. Milind Patil, Advocate for the Petitioner.
Mr. P. G. Borade, APP, for the Respondent – State.
Mr. Avinash Patil, Advocate for the Respondent Nos. 5
to 7.

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CORAM : SMT. ANUJA PRABHUDESSAI &
R.M. JOSHI, JJ

DATE : MARCH 01, 2023

PER COURT :

1. This is a Petition filed under Article 226 of the Constitution of India to issue directions to the Respondent No. 2, Superintendent of Police, to initiate departmental inquiry against the Respondent Nos. 4 to 7 and further to transfer investigation of Crime No. I-93/2016 to any other district and to appoint a new investigating officer to conduct impartial investigation. The Petitioner has also prayed for adding Sections 307, 340 & 166-B of IPC in Crime No. I-93/2016 and further direct the Respondent No. 1 State to pay him compensation of Rs. 10,00,000/-.

2. The grievance of the Petitioner was that he

was called to the Rahata Police Station to inquire into the matrimonial dispute and that he was pressurized to arrive at a settlement. The Petitioner has alleged that the Respondent Nos. 4 to 7 had assaulted him by kicks and blows. The Petitioner appeared before the Magistrate and complained about the injuries inflicted on him by the Respondent Nos. 4 to 7. He was treated at Civil Hospital at Ahmednagar and Sassoon Hospital, Pune. He made representation to Superintendent to Police to take action against the Respondent nos. 4 to 7. Since the police authorities did not take any action, he lodged a complaint against the Respondent nos. 4 to 7, pursuant to which crime no. I-93/2016 came to be registered.

3. The Petitioner invoked writ jurisdiction of this Court with a grievance that even after lapse of six months, the investigating agency had not conducted proper investigation into the matter.

4. It is stated that during the pendency of the Petition, charge-sheet has been filed before learned JMFC, Rahata. This being the case, the prayer for transfer of investigation would not survive. The trial

Court is already seized with the matter and it would be within domain of the learned Trial Court to decide whether the material on record would disclose any offence other than those mentioned in the charge-sheet. Hence, the prayer to direct the investigating officer to add Section 307, 340 and 166-B of IPC also cannot be entertained. As regards compensation, the Petitioner can always renew his request for compensation in the event the accused are held guilty in the crime.

5. In such circumstances, we are not inclined to entertain the Petition. Hence, the Petition stands dismissed.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)