

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 377 OF 2022

Shishta Kumari	...	Petitioner
Versus		
The State of Maharashtra & Ors.	...	Respondents

Mr. Prashant Katneshwarkar a/w Sagar Kursija i/by Rui Danawala for the Petitioner.

Mr. A. R. Kapadnis, APP for the Respondent-State.

**CORAM: NITIN W. SAMBRE AND
R. N. LADDHA, JJ.**

DATE : 3rd MARCH, 2023

P.C. :-

. Alleging sexual assault on January 11, 2022, by the accused persons at Delhi and Pune, the petitioner initially approached Delhi Police with a request for registration of offence. Shri Katneshwarkar in response to the Court's query submits that Delhi police have refused to register the complaint and have directed the petitioner to lodge complaint at Pune as part of the offence took place in Pune. According to him in view of the judgment of the Apex Court in the case of **Lalitha Kumari Vs. Government of U. P. and others** reported **(2014) 2 SCC 01** and circulars issued by the Central Government, once a cognizable offence is disclosed the Pune Police ought to have registered the offence and carried out investigation or should have registered a FIR and thereafter should have transferred the same to Delhi.

2. It appears from the papers produced on record by the learned APP that police after receiving the complaint from the petitioner have conducted an initial enquiry, however, the petitioner is not co-operating with the investigating officer as she is unable to point out the spot of the incident, the details of the offence viz the date and the time of commission of offence, etc.

3. In view of the above, it can be noticed that the respondent police authorities at Pune were of the view that the petitioner is unable to demonstrate disclosure of a cognizable offence. In view of above he submits that the petition is liable to be dismissed.

4. We have appreciated the submissions.

5. We have also perused the enquiry papers produced by the learned A. P. P.

6. On perusal of the enquiry papers, it is clear that even if complaint is filed in vague manner, discloses cognizable offence, however, the petitioner has failed to co-operate the investigating officer in investigation and offence in question.

7. The police authorities have already looked into the complaint and tried to locate not only spot of offence, but also other details and as such have rightly come to the conclusion that the petitioner is unable to *prima facie* disclose cognizable offence based on the material alleged in the complaint.

8. In the aforesaid background, there is hardly any material on record to infer that the case of the petitioner is not looked into by the investigating agency.

9. Hence the petition stands disposed of, however, this order will not act as an embargo on the right of the petitioner to move before the Court below in a complaint case, which request be decided on its own merits and without being influenced by the disposal of the present petition.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]

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