

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

WRIT PETITION NO. 1292 OF 2018

Kaynaat Ramnik Singh Dhillon	Petitioner
V/S	
The State Of Maharashtra & Ors	Respondents

**WITH
WRIT PETITION NO. 1293 OF 2018**

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V/S	
The State Of Maharashtra & Ors	Respondents

None for the Petitioner
Shri V. B. Konde-Deshmukh, APP for the respondent-state.
Mr. V. M. Khilare, PSI, Oshiwara Police Station is present.

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

DATED : 11th JANUARY, 2023

P.C.:

WP/1292/2018

1. Heard learned APP. None appears for the petitioner.
2. The petitioner has come out with following reliefs in the petition:

(a) That this Hon'ble Court be pleased to issue Writ of Mandamus and or any other appropriate writ, order exercising of powers under Article 226 of Constitution of India, 1950 thereby transferring the investigation of F.I.R. bearing C.R. No. 78/2018 registered with Oshiwara Police Station to any Lady Police Officer not having rank less than

Police Inspector in Oshiwara Police Station and / or any other local police station under the jurisdiction of Respondent No. 3 and/or Respondent No. 4 for the sake of effective, impartial and proper investigation with further directions to complete the investigation in a reasonable time bound manner particularly in respect of the grounds as set out in the present petition.

(b) That this Hon'ble Court may be pleased to issue a Writ of Mandamus and/or any other appropriate Writ or Order exercising the powers under Article 226 of the Constitution of India, 1950, seeking direction to Respondent No. 10 (Maharashtra State for Woman Commission) for holding direct supervision and control over the investigation of F.I.R. bearing C.R. No. 78 of 2018 registered by Oshiwara Police Station for the sake of proper, unbiased and effective investigation with further direction to respondent no. 10 to file progress report on time to time before this Hon'ble Court.

3. Learned APP on instructions from the police officer of Oshiwara Police Station informs that after the investigation of Crime No. 78 of 2018, the accused are already charge-sheeted.

4. It is claimed that the investigation is carried under the supervision of lady API, Vaishali Chauhan.

5. In the aforesaid background, nothing survives in the petition. Petition stands disposed of.

WP/1293/2018

6. The prayer in the petition is as under:

(a) That this Hon'ble Court be pleased to issue Writ of Mandamus and/or any other appropriate Writ, Order or Direction of the like nature requiring the Respondent No. 3 and/or Respondent No. 4 to register FIR against

the Respondent No. 9 and his associates involved in above crime by treating the written information dated 09.02.2017 and Reminder letter dated 02.03.2017 as statement for commission of cognizable offence of Robbery, Theft etc. of I.P.C. and/or any other provisions of Law which this Hon'ble Court may deem fit and proper and further direct to conduct probe in the matter considering the ramifications and the Authorities involved herein;

(b) That this Hon'ble Court may be pleased to issue a Writ of Mandamus and/or any other Writ, Order or Direction of the like nature requiring the Respondent No. 3 and/or Respondent No. 4 to register an FIR against the delinquent Police Officers viz. Respondent No. 5 to 8 and other such persons whose culpability may be revealed in the course of investigation of the said offences so registered for commission of cognizable offence u/s. 166-A of I.P.C. and/or any other provisions of Law which this Hon'ble Court may deems fit and proper.

7. Since the aforesaid prayer cannot be gone into under Article 226 of the Constitution as the petitioner has alternate remedy, this Court refrains from exercising jurisdiction under Article 226 of the Constitution.

8. The petition stands disposed of.

9. Liberty to the petitioner to take recourse of alternate remedy.