



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

CRIMINAL WRIT PETITION NO. 345 OF 2024

XYZ

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Bhushan Mahajan

APP for Respondents/State : Mr. A.V. Lavte

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 19 APRIL 2024

PER COURT :

- . Respondent no.6 has been duly served, but has not appeared.
2. Heard both the sides. Perused the papers of investigation.
3. The matter presents a sordid state of affairs, peculiarly taking into account the fact that in spite of there being apparently a strong motive, medical evidence and even the statements of the petitioner/victim and other witnesses injured recorded under Section 164 of the Code of Criminal Procedure, which are consistent with the allegations in the FIR, the Investigation Officer against whom serious allegations are being levelled, having been served with a notice of the present petition, having been added by name as respondent no.6, the Prosecutor is without sufficient instructions, albeit the learned APP possess the papers of the investigation, obviously handed over by the Investigating Officer.

4. The allegations in short are to the effect that the victim has been in live-in-relationship with an individual who is also injured and the assault has been carried out by the relatives of his wife obviously annoyed by the live-in-relationship between the couple. The assault has been carried out by entering into the house of the petitioner. Her family members and even her partner has been assaulted. She is stated to have been molested and there are allegations about rape. All these facts were promptly reported to police to set the criminal law in motion. However even the offence under Section 376 was included subsequently for the reasons best known to the Investigating Officer.

5. It is now being reported that the charge-sheet has been filed on 26.03.2024 without any of the accused having been arrested, in all probability by resorting to Section 299 of Cr.PC. It is being reported that the accused nos. 1 to 11 have obtained some temporary bail from the Sessions Court but the instructions are still wanting as to what steps are being taken by the Investigating Officer to contest that proceedings. All these facts and circumstances in our considered view substantiate the apprehension of the petitioner and even her allegation that all is not well as far as investigation is concerned and even the Investigating Officer is not responsive and could have some ulterior intention. In spite of service of notice in the present matter which contains several personal allegations against him he has not even bothered to respond.

6. In view of the above state of affairs, it would be appropriate that the Superintendent of Police, Jalgaon is directed to personally look into

the matter, examine all the aforementioned aspects and even the charge-sheet and take appropriate steps including changing the Investigating Officer. Preferably a lady officer of a rank of not less than Deputy Superintendent of Police be assigned the investigation, who may solicit directions for further investigation.

7. With these directions, we dispose of the writ petition.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

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