



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1559 OF 2024

Shobha Bhausahab Khedkar,
Age-40 years, Occu:Household,
R/o-Samangaon,
Tq-Shevgaon, Dist-Ahmednagar.

...PETITIONER

VERSUS

The State of Maharashtra,
Chief Secretary, Home Department,
Mantralaya, Mumbai-32
and others.

...RESPONDENTS

...
Mr. Dinkar K. Dagadkhair Advocate for Petitioner.
Mr. A.M. Phule, A.P.P. for Respondents.
...

**CORAM: SMT. VIBHA KANKANWADI AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 9th OCTOBER, 2024

ORDER :

1. Present petition has been filed for following reliefs:-

"B) To call for the record and proceeding of offence incident dated, 16/04/2024 in respect of murder of Ramesh Bhausahab Khedkar, at Gut No.8 village Lolegaon, Tq-Shevgaon, Dist-Ahmednagar, from the police station Shevgaon, Tq-Shevgaon, Dist-Ahmednagar.

C) After scrutinizing the legality, propriety, and validity there in to withdraw the investigation from the concern respondent/investigation officer and handed over it to the Special CID Officer or any other parallel agency with direction to make investigation, register F.I.R. and file charge sheet against the concern accused persons.

D) After scrutinizing the legality, propriety and validity there in the direction may be given about departmental inquiry/action against the concern Investigation Officers as they have deliberately avoided to make investigation with intention to support the accused with intention of screening the offenders from legal punishment in serious offence/crime."

2. Heard learned Advocate for the petitioner and perused the documents which have been annexed. Perusal of the First Information Report (For short "the FIR") which is lodged by the father of the deceased i.e. the husband of the petitioner on 9th May 2024 would show that the incident is alleged to have taken place in the intervening night of 15th April 2024 to 16th April 2024. On the basis of the said FIR, offence vide Crime No.417 of 2024 for the offence punishable under Sections 304-A, 279, 337, 338 of the Indian Penal Code and under Sections 134-A, 134-B, 177, 184 of the Motor Vehicles Act, 1988 has been lodged against one Mukund Pramod Shelke. The petitioner is now coming with the case that in fact it was the murder of her son

Ramesh and therefore she has prayed as aforesaid. If we consider the postmortem report, the cause of death has been given as "Cardio – respiratory arrest due to hemorrhagic shock due to intracranial hemorrhage due to head injury due to RTA".

3. Upon the submissions on behalf of the petitioner what we can get is that except the complaints those have been lodged after registration of the FIR and the photographs which appear to have been taken at the time of inquest panchnama, there is no other material to consider that death of Ramesh is homicidal in nature. It appears that petitioner wants to say that since her husband is an alcoholic person he has lodged the said FIR as per the information received. However, it is to be noted that the certificate which she has annexed in respect of her husband is of the subsequent date i.e. dated 20th June 2024, whereas the FIR has been lodged on 9th May 2024. It cannot be inferred that at the time of lodging the FIR the informant was under the influence of liquor. But then it appears that prior to that certificate, i.e. on 20th May 2024 the petitioner's husband had made complaint that the police had avoided to register the offence when he had gone to the police station and according to him he wanted to lodge FIR in respect of murder of his son but due to the pressure the FIR was lodged stating that it is road

traffic accident. It appears that again on 5th June 2024 similar complaint has been given to various authorities including the police as well as the Hon'ble Ministers. Present petitioner appears to have then given a complaint on 8th July 2024 giving information that there was dispute between one Garadkar and deceased Ramesh, with whom Ramesh was serving as a driver and said Garadkar was knowing Mukund Shelke who is now accused in the said FIR. The dispute was in respect of the salary. Taking into consideration these complaints, it can be said that for the first time the petitioner has tried to assign some reason for the alleged murder.

4. Only photographs and the alleged reason given after a long gap cannot be the basis for direction to register the FIR and handing over the investigation to any specific agency other than the police. We do not find this to be a fit case where we can exercise our constitutional powers. Hence the Petition is dismissed at the threshold.

[S.G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE