



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 CRIMINAL WRIT PETITION NO. 1906 OF 2024

1. Dildar Iliyas Khan,
Age : 65 Years, Occ. Nil,
R/o.Raza Manzil,
Noorani Colony, Jamkhed,
Tal. Jamkhed, District Ahmednagar .. Petitioner

VERSUS

1. The State of Maharashtra,
Through Police Station Officer,
Jamkhed Police Station,
Tal. Jamkhed District Ahmednagar.
2. The Superintendent of Police,
Ahmednagar. ... Respondents

.....
Advocate for the Petitioner : Mr. S.R. Zambare
APP for Respondent/State: Mr. A.V. Lavate
.....

CORAM : SMT. VIBHA KANKANWADI AND
ROHIT. W. JOSHI, JJ.

DATED : DECEMBER 06, 2024

ORDER:-

1. Present petition has been filed invoking constitutional powers of this Court under Article 226 and 227 of the Constitution of India for following reliefs :-

“(B) By issuing mandamus writ, or any other appropriate writ, order, or direction in the like nature this Hon’ble Court may be pleased to issue direction to the respondents to complete the investigation and file the

charge sheet in Crime No. 0384/2023 registered with Jamkhed Police Station, Taluka Jamkhed, District Ahmednagar for the offences punishable under Sections 320, 324, 326, 395, 504, 506 read with Section 34 of the Indian Penal Code.

(C) By issuing mandamus writ, or any other appropriate writ, orders, or direction in the like nature this Hon'ble Court may be pleased to issue direction to the respondents to submit the report to this Hon'ble High Court in respect of the progress of the investigation in Crime No. 384 of 2023 registered with Jamkhed Police Station, Taluka Jamkhed, District Ahmednagar for the offences punishable under Sections 320, 324, 326, 395, 504, 506 read with Section 34 of the Indian Penal Code. ”

2. We have heard learned Advocate for the petitioner today also. On last occasion i.e. on 27th November 2024, we had directed to learned A.PP to get the investigation papers and instructions in respect of the stage of the investigation. Today, the investigation papers are made available for our perusal. The Investigating Officer is also present.

3. We are firmly of the opinion that, this Court cannot direct that the charge sheet should be filed. Only the concern can be heard from the victim or the aggrieved party and at the most direction can be given to expedite the investigation. Important point to be noted is

that in respect of the alleged incident there appears to be two proceedings, one is on the basis of FIR lodged by police constable which came to be registered for the offence punishable under Section 160 of the Indian Penal Code wherein even the present petitioner is made an accused along with the other persons. Thereafter it appears that the present petitioner approached the learned Magistrate under Section 156(3) of the Code of Criminal Procedure by filing Criminal Misc. Application No. 230 of 2023 and the said came to be allowed on 10.08.2023. Thereupon, the C.R. No. 384 of 2023 came to be registered with Jamkhed Police Station, District Ahmednagar. It appears that the rival party had also then approached the learned Magistrate and the investigation under Section 156(3) of the Code of Criminal Procedure was directed. Thereupon C.R. No. 455 of 2023 has been registered. Thus, there are three proceedings out of the same incident.

4. Now the investigation officer undertakes to expedite the investigation and makes a statement that he would take decision within a month regarding filing of the charge sheet. In view of said statement, we dispose of the Writ Petition

(ROHIT .W. JOSHI)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

Y.S. Kulkarni