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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1083 OF 2021

Neelam Vishal Nikhalje ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. Ashish Dubey a/w Ms. Shahnaz Chougule for the Petitioner.

Mr. V.B.Konde Deshmukh, Addl.PP for the Respondent-State.

Mr. Kishor Zoting, API, Chunabhatti Police Station.

**CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.**
DATE : 21st FEBRUARY, 2024

P.C. :

1. By this petition, the petitioner seeks a direction to the respondents to register an FIR under Section 302 of the Indian Penal Code, in connection with the death of her husband – Vishal Nikhalje. It is also prayed that the case diary and papers of investigation be called for with respect to the death of the petitioner's husband –

Vishal Nikhalje. Transfer of investigation is also sought for, from Chunabhatti Police Station to Crime Branch.

2. Mr. Konde Deshmukh, Addl.P.P., on the last date submitted that the Police, after conducting a detailed investigation, have filed an A.D.R. in the said case, under Section 174 of the Criminal Procedure Code.

3. In view of the statement made by the learned Addl.P.P., we perused the file pertaining to the investigation done by the Police with respect to the death of Vishal Nikhalje. We have perused the statements of the witnesses, in particular, the statements of three eye-witnesses, the Post Mortem report as well as the C.A.Report, which shows that Vishal had consumed alcohol on that day.

4. We, on perusing the said papers, do not find any ground for transfer of investigation of the case, much less, any ground to direct the Police to register an FIR. We are satisfied with the

investigation carried out by the Chunabhatti Police Station and the A.D.R.Report filed by them after conducting a detailed examination. Accordingly, nothing survives for further consideration in the petition.

5. The petition stands dismissed and is accordingly disposed of.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.