

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 552 OF 2024**

Mr. Pratik Dansingani & Ors.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Mrs. Shweta R. Agrawal for Petitioners.

Smt. M.H. Mhatre, A.P.P. for Respondent No.1-State.

Ms. Mayuri Hatle a/w Mr. Mandar Surve for Respondent No.2.

Petitioner Nos.2 to 4, present.

A.P.I. Smt. Pooja Chavan, Samta Nagar Police Station, Mumbai, present.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.**

DATE : 11th September 2024.

P.C. :

1) This is yet another example, wherein the investigation of crime against woman is being conducted in most lackadaisical manner by the Investigating Officer attached to Samta Nagar Police Station, Mumbai. Respondent No.2 has lodged the C.R. No.732 of 2023 with Samta Nagar Police Station, Mumbai on 6th November 2023, under Sections 323, 498A, 504, 506 read with 34 of the I.P.C.

2) Learned counsel for Respondent No.2 submitted that, Petitioner No.1, i.e. husband is absconding since the date of lodgment of crime and is stationed at Dublin, Ireland.

3) Learned A.P.P. on instructions from A.P.I. Smt. Pooja Chavan, attached to Santa Nagar Police Station, Mumbai, concedes to the fact that, Petitioner No.1 is found to be absconding from the date of lodging of the crime.

4) We therefore thought it necessary to peruse the Case Diary. Perusal of the Case Diary indicates that, the Investigating Officer Smt. Pooja Chavan has not taken any efforts to trace out Petitioner No.1 till date. The Case Diary is absolutely silent on the said aspect and therefore inference can be drawn that, the Investigating Officer is not diligent in investigating the crime.

5) At this stage, learned counsel for Respondent No.2 drew our attention to a photocopy of the passport of Petitioner No.1 and Vakalatnama, allegedly signed by Petitioner No.1.

6) She contended that, there is a wide variance in the signature of Petitioner No.1 on the passport and on vakalatnama. *Prima facie* it appears that, there is substance in the said contention.

7) In view of the above, we deemed it appropriate to direct the Joint Commissioner of Police (Law & Order), Mumbai to file his detailed Reply to the Petition.

8) We expect that, the Joint Commissioner of Police (Law & Order), Mumbai, to ascertain through appropriate investigating agency, whether signature of Petitioner No.1 on the Vakalatnama is genuine or it is forged by

somebody in India.

8.1) The said Affidavit be filed within three weeks from today.

9) Stand over to 9th October 2024.

(DR. NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

RAJESH
VASANT
CHITTEWAN

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