

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.1698 OF 2024

Rupesh Rajendra Agarwal & Anr. .. Petitioners
vs.
The State of Maharashtra & Anr. .. Respondents

Mr. A. M. Saraogi for the Petitioners.
Mr. Vinod Chate APP for the Respondent-State.
Ms. Snehal Anil Jadhav, P.S.I. Kondhwa Police Station present.

**CORAM: A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 3rd MAY 2024

P. C.:-

1) By the present Petition, the Petitioners are seeking quashing of F.I.R. No.227 of 2024 registered with Kondhwa Police Station, Pune City under Sections 326, 504 read with 34 of I.P.C. registered at the instance of the Respondent No.2.

2) It is the contention of the Petitioners that, in the alleged incident there was quarrel, and in the melee the Respondent No.2 was either pushed or had an accidental fall on the gate or pillar of the society which caused injury to his head. That, at the instance of the Respondent No.2, the watchman of said building wiped out blood stains on the said gate or pillar. That, the said fact has been recorded in the CCTV camera which is fixed in precincts of the said society.

3) In the backdrop of the aforementioned submissions we asked following questions to the learned A.P.P:-

- (i) Whether the submissions made by learned counsel for the Petitioners is having substance ?
- (ii) Whether CCTV footage of the scene of offence is recovered by the Investigating Officer ?
- (iii) Whether CCTV footage discloses either of the Petitioners were holding iron rod in their hand and if so, whether it is seized during the course of investigation ?

4) To the aforesaid questions, P.S.I. Ms.Snehal Anil Jadhav attached to Kondhwa Police Station, Pune who is personally present in the Court, through the A.P.P gave the following answers:-

- (a) That, investigation of present crime is concluded and within one week charge sheet will be filed.
- (b) That, in the CCTV footage, no iron rod is seen.
- (c) She submitted that CCTV footage has already been seized and will be annexed along with copy of the charge sheet.

5) When we further asked intricate questions about the manner of the investigation being carried out by the concerned Investigating Officer, P.S.I. Ms.Snehal Jadhav through learned A.P.P submitted that, she has come to this Court to attend some other matter and she was instructed by the

Investigating Officer of the present crime, to make aforesaid statements.

We are unable to fathom such statements and flabbergasted after hearing the statements made before this Court. The said statements clearly denotes that the Investigating Agency and in particular the officer, who is attending this Court is either oblivious about basic tenets of investigation as enunciated by law and/or answers to be given in the Court of law, established under the Constitution of India.

6) We deprecate the practice adopted by the concerned Officer. It is expected from the police investigating a crime to assist this Court in arriving at a appropriate conclusion while adjudicating the Petition filed under the provisions of Constitution of India and shall not be oblivious and casual in their approach.

6.1) It was expected from the Investigating Officer to depute P.S.I. Ms.Snehal Jadhav after briefing her properly, to assist A.P.P. and not to attend this Court casually.

7) The questions put by us and noted hereinabove and answers given thereto by the concerned Officers, according to us fall within the purview of Section 132 read with Section 165 of the Evidence Act.

8) In view thereof we are left with no other alternative but to direct the Commissioner of Police, Pune to file his reply to the Petition. We direct the Commissioner of Police, Pune, not to delegate his powers to any

of his subordinate officers. We expect from the Commissioner of Police, Pune to peruse entire record of the investigation and adopt appropriate remedial measures if he thinks it fit to do so.

The said reply be filed within five weeks from today.

9) Stand over to 12th June 2024.

10) Mr.Chate, learned A.P.P. to personally communicate this Order to the Commissioner of Police, Pune as expeditiously as possible by all possible modes.

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)