

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 872 OF 2024**

Ravindra Dnyaneshwar Lagad

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Ghansham Jadhav for Applicant.

Mr. Ashish I. Satpute, A.P.P. for Respondent No.1-State.

P.H.C. (B.No.2069) Mr. Ajinkya Dilip Daundkar, Yavat Police Station, Pune Rural, present.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.****DATE : 12th August 2024.****P.C. :**

1) Present Application is filed under Section 482 of Criminal Procedure Code for quashing of C.R. No. 0447 of 2024 dated 30th April 2024, registered with Yavat Police Station, Pune Rural, for the offences punishable under Sections 354, 354-B, 504, 506 and 509 of Indian penal Code (I.P.C.).

2) Perusal of First Information Report (F.I.R.) would reveal that, apart from the informant, a woman victim, there is another woman victim, namely Ms. Shubhangi, who on the date of lodgment of crime was aged about 25 years. The first informant in the report itself has stated that, on the date and time of commission of crime apart from the fact that, the Applicant

abused her in filthy language, when her daughter (Ms. Shubhangi) tried to intervene in the said quarrel, the Applicant abused her in filthy language, tried to assault her and torn the right sleeve of her dress. When Ms. Shubhangi being afraid, tried to run away from the scene of offence, the Applicant again pulled her dress from backside, torn it and tried to undress her.

2.1) These are the broad but according to us, serious allegations made against the Applicant by two women victims in the present crime.

3) Learned A.P.P, on instructions from Police Head Constable (B.No.2069) Mr. Ajinkya Dilip Daundkar attached to Yavat Police Station, Pune Rural, who is personally present in the Court, submitted that, the investigation of the present crime is completed and on 30th July 2024, the Police have filed chargesheet in the Court of Judicial Magistrate First Class, Daund, District Pune. He produced before us a photocopy of the said Chargesheet/Final Report for our perusal. The photocopy of the Chargesheet is taken on record.

4) After perusing the Chargesheet, we are not only shocked but quite appalled. The basic document for corroborating the allegation of the informant and the other victim, i.e. the seizure of clothes Panchanama of the dress/cloths of Ms. Shubhangi, is absent from the said Chargesheet. When we confronted P.H.C. Mr. Ajinkya Daundkar about the said serious lacuna and/or lapse in the investigation, he informed us that, as Ms. Shubhangi was

an accused in other crime, she was absconding and therefore the said panchanama could not be effected.

4.1) Perusal of Chargesheet clearly indicates that, the statement made by P.H.C. Mr. Ajinkya Daundkar is palpably false and contrary to record. To the compilation of Chargesheet, statement of Ms. Shubhangi dated 1st May 2024 recorded by the P.H.C. Mr. Ajinkya Daundkar, himself is annexed. In her said statement also, the victim has stated that, the Applicant torn her clothes and tried to undress her on the date and time of alleged incident.

4.2) To a further query by the Court, P.H.C. Mr. Ajinkya Daundkar replied that, as the victim did not brought an other set of clothes to wear, the panchanama of her torn clothes was not effected.

4.3) It be noted here that, the version of victim/s is duly corroborated by an eye witness to the alleged crime.

4.4) Upon a query by this Court, as to who gave powers to P.H.C. Mr. Daundkar to investigate a crime against a woman, he informed us that, by effecting a Station Diary entry, the higher Authorities have directed him to conduct the investigation and therefore he has conducted it.

4.5) When we directed him to show us Case Diary of the present crime in support of his contention and also the copy of concerned Station Diary, he submitted that, he has not brought the same to the Court, as according to him it was not necessary.

5) We are confounded to hear the evasive and false replies given by P.H.C. Mr. Ajinkya Daundkar to the Court. After hearing the answers given by P.H.C. Mr. Ajinkya Daundkar our conscience is shaken.

5.1) The answers given by P.H.C. Mr. Ajinkya Daundkar in the Court and his demeanor clearly indicates that, he is more interested in protecting the interest of the accused person/s than to protect the interest of a victim of sexual assault in the crime.

5.2) We may note here that, this is a paradox to the claim usually made by the State Administration that, offences against women are being treated seriously and investigated promptly by the State. This is the best example as to how the claim of the State is being frustrated by the law enforcers.

5.3) We are regularly observing such type of lacunae / deficiencies in the investigation of similar type of offences against the women. According to us, keeping such lacunae in the investigation would ultimately benefit the accused.

6) Invariably we are coming across such situations wherein the basic tenets of investigation are not adhered to. Recently we have also made similar observations in Writ Petition No. 1822 of 2024.

6.1) Therefore we find it appropriate and imperative to bring the aforesaid facts to the notice of the highest executive in the hierarchy of the Police Department i.e. the Additional Chief Secretary, Home Department,

Government of Maharashtra and direct him to file a detailed reply to the Petition.

6.2) Taking into consideration the seriousness of the matter, we expect from the Additional Chief Secretary that he shall not delegate his powers to any subordinate Officer.

6.3) The Affidavit be filed within a period of two weeks from today.

6.4) We request the Additional Chief Secretary, Home Department to consider our observations made hereinabove and to adopt appropriate strict remedial measures in that behalf, as may be permissible under the law.

7) Stand over to 3rd September 2024.

8) Till the returnable date, further proceedings arising out of C.R. No. 0447 of 2024 dated 30th April 2024, registered with Yavat Police Station, Pune Rural and pending on the file of learned Judicial Magistrate First Class , Daund, District Pune, are stayed.

9) Learned A.P.P. is directed to communicate this Order to the Additional Chief Secretary, Home Department, Government of Maharashtra.

(DR. NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

RAJESH
VASANT
CHITTEWAN

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