



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.33 OF 2025

Vinod S/o Rameshwar Harbhare,
Age-32 years, Occu:Business and Agri.,
R/o-Uplai, Tq-Kalamb, Dist-Osmanabad.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
(Through its Secretary,
Department of Home Affairs,
Mantralaya, Mumbai-32),
- 2) Inspector General of Police,
Office of Inspector General of Police,
Mahavir Chowk, Baba Petrol Pump,
Aurangabad,
- 3) Superintendent of Police,
Office of Superintendent of Police,
Osmanabad, Dist-Osmanabad,
- 4) Ravi S/o Shrihari Sanap,
Age-Major, Occu:Service
as Police Inspector,
Kalamb Police Station, District-Osmanabad,
- 5) Ramhari Sampatrao Chate,
Age-Major, Occu:Service
as Police Sub-Inspector,
Kalamb Police Station,
District-Osmanabad,
- 6) Ramchandra S/o Kisan Bahure,
Age-Major, Occu:Service
as Police Sub-Inspector,
Kalamb Police Station,
District-Osmanabad,

7) Parmeshwar Sampat Kadam,
Age-Major, Occu:Service
as Police Constable,
Kalamb Police Station,
District-Osmanabad,

8) Dattatraya Shivram Shinde,
Age-Major, Occu:Service
as Police Constable,
Kalamb Police Station,
District-Osmanabad.

...RESPONDENTS

...
Mr. S.S. Randive Advocate for Petitioner.
Mr. A.R. Kale, A.P.P. for Respondents.
...

**CORAM: SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATE : 6th FEBRUARY, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

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

“(B) That by way of writ of mandamus or any other appropriate writ, order or directions in the like nature the inquiry may kindly be conducted against respondent no. 4 to 8.

(C) Respondent No.4 may kindly be directed to pay compensation of amount of Rs.10,00,000/- to the petitioner for the illegal detention and physical assault,

(D) Respondent Nos. 5 to 8 may kindly be directed to pay compensation of amount of Rs.5,00,000/- each to the petitioner for the illegal detention and physical assault."

2. Heard learned Advocate for the petitioner and perused the documents.

3. The petitioner is conducting a hotel business in his agricultural land. In the month of July 2024, the petitioner had noticed five stray baby goats nearby his hotel. As after the search the petitioner could not get the owner thereof, he kept those baby goats in his shed. One of the baby goat died and therefore, he intensified the search. When the petitioner and his friends were in the market at Kalamb On 15th July 2024, respondent Nos. 6 to 8 started beating them and demanded bribe. When the petitioner denied, respondent Nos. 6 and 8 abused him in filthy language, detained the petitioner and his friend. They have not even offered water to the petitioner and his friend. Thereafter respondent Nos.4 to 8 had also beaten the petitioner and his friend Vinod Chavan. Respondent No.4 had beaten them by wooden stick causing injury to the petitioner's buttocks. The petitioner and his friend were illegally detained in the police station from 8.00 a.m. to 8.00 p.m. on 15th July 2024.

Respondent No.4 was demanding an amount of Rs.4,00,000/-. Father of the petitioner could arrange an amount of Rs.1,55,000/-. The petitioner has then sent an amount of Rs.60,000/- to his brother through the PhonePe. Father of the petitioner had withdrawn an amount of Rs.90,000/- from the S.B.I. Bank Branch, on the same day. Photographs of the injured part of the body of the petitioner have been taken. Ultimately, the petitioner had taken treatment from Primary Health Center, Yermala on 16th July 2024 and from the Government Hospital on 27th July 2024. Respondent Nos. 4 and 6 have already received the bribe amount of Rs.1,55,000/-, but no offence has been registered against them. There is CCTV installed at the Police Station and the nearby area, which will disclose that the petitioner and his friend were taken to the Police Station. Therefore, for the aforesaid reliefs, the Petition has been filed.

4. Learned Advocate for the petitioner has stated that ultimately on 19th July 2024 offence has been registered vide Crime No.293 of 2024 with Kalamb Pollice Station, District-Osmanabad for the offence punishable under Sections, 7, 7(a), 12 of the Prevention of Corruption Act only against accused Ramchandra Kisan Bahure and Mahadev Tatyabhau Munde. However, the fundamental rights of the petitioner have been

violated and therefore, respondent No.4 is required to be asked to pay compensation to the petitioner and respondent Nos.5 to 8 should also be separately asked to pay the compensation.

5. The first and foremost fact to be noted is that now the FIR of the present petitioner has been taken and it is under investigation. Along with the Petition, there is absolutely nothing to show that the petitioner was illegally detained. Only on the basis of the photograph regarding injury to his buttocks, we cannot come to the conclusion that there was illegal detention and further when similar facts have been stated in the FIR, that can be investigated as to whether really there was illegal detention and then the demand for bribe by the accused persons. Then certainly, the petitioner may have a right to demand compensation. For that purpose, the action under the constitutional powers of this Court under Article 226 and 227 of the Constitution of India would be premature.

6. The Writ Petition stands rejected, at the threshold.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE