



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

108 CRIMINAL WRIT PETITION NO. 457 OF 2025

VIJAYABAI VYANKAT SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Mr. Prakash Ambedkar, a/w Mr. Siddharth Y.
Shinde & Mr. Prafullkumar N. Pimpalgaonkar, i/b Mr. Milind B. Sandanshiv.

Public Prosecutor for Respondent/State : Mr. A. B. Girase.

...

AND

CRIMINAL APPLICATION NO. 2746 OF 2025
IN WP/457/2025

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
VIJAYABAI VYANKAT SURYAWANSHI

...
Public Prosecutor for Applicants : Mr. A. B. Girase.

...

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

DATE : 14th August, 2025.

Per Court:

. Heard both the sides.

2 The learned Public Prosecutor, who is appearing through
V.C., submits that the order passed by this Court on 4th July, 2025, was
challenged by the State before the Honourable the Supreme Court by
filing Petition for Special Leave to Appeal (Criminal) No.9883 of 2025.

By order dated 30th July, 2025, the Honourable Supreme Court has disposed of the said Petition for Special Leave to Appeal with clarification. The clarification was to the extent that the FIR to be registered in respect of the offence alleged to have been committed and in the complaint that was filed by the petitioner, no specific name was referred. By order dated 1st August, 2025, the Special Inspector General of Police gave directions to the DSP, Parbhani, by forwarding a copy of the order passed by the Honourable Supreme Court that the offence be registered as directed and further directions were given to the Additional Director General of Police, CID, to appoint an officer to investigate the offence. Pursuant to these directions, the offence under Section 103(1) of BNS came to be registered vide C.R. No.343 of 2025, with Mondha Police Station, District Parbhani, on 2nd August, 2025, on the basis of the complaint application of the petitioner against unknown person. Then it appears that on 4th August, 2025, the Additional Director General of Police handed over the investigation to the CID office at Chhatrapati Sambhajinagar and the direction was given to the Superintendent of Police, CID, Chhatrapati Sambhajinagar, to handover the investigation to the police officer working under him. In pursuant to that order, the Superintendent of Police, CID, Chhatrapati Sambhajinagar, passed an order dated 4th August, 2025, appointing Dy.S.P., CID, Smt. Rekha Sankpal from Chhatrapati Sambhajinagar unit and P.I. Mr. P. S. Naik, CID, Parbhani,

in the unit that we may refer to whom the investigation was handed over. The learned Public Prosecutor, therefore, submits that there is compliance of the said order passed by us on 4th July, 2025.

3 Learned Advocate Mr. Prakash Ambedkar, instructed by Mr. M. B. Sandanshiv, learned counsel for the petitioner, points out paragraph No.14 of the order dated 4th July, 2025 and states that the FIR was supposed to be registered within a period of one week from the date of the order and the Superintendent of Police, Parbhani, was directed to handover the investigation to a police officer of the rank of Deputy Superintendent of Police. He then points out the order passed by the Honourable Supreme Court in ***The State of Maharashtra Vs. Anna Maruti Shinde, [Petition for Special Leave to Appeal (Criminal) No.6334 of 2025]*** decided on 5th May, 2025, wherein in respect of the custodial death, it was directed that the Special Investigation Team shall be constituted by the Director General of Police, State of Maharashtra, comprising of the officers as he deems appropriate. The SIT shall be supervised by the Director General of Police himself or by the officer nominated by him. The State CID shall do the needful for handing over the papers to the Director General of Police in two days. In the same order, further the Honourable Supreme Court has observed “We may clarify that the complainant, if he has any grievance, may approach the competent Court, i.e., the

concerned Magistrate or the Sessions Court, as the case may be, for appropriate relief as may be legally available to him.” He prays that similar order be passed in this case.

4 When the query was made to the learned Public Prosecutor that when this Court had given directions to the Superintendent of Police to handover the investigation to a police officer of the rank of Deputy Superintendent of Police that means the police officer working at Parbhani, then why it was handed over to CID. He submits that since the allegations were against the local police, the State CID has come in picture and then those orders have been passed.

5 We may consider that since the allegations are made against the local police, the State CID has come in picture, however, the way the orders have been passed are not appropriate. In the order / communication dated 1st August, 2025, the Special Inspector General of Police has not given any reason for not adhering to the directions given by us on 4th July, 2025. The State / Authority ought to have come to this Court if they were of the opinion that the local police then should not have been involved. Since it was a preliminary inquiry that was required to be made regarding involvement of the persons, we had given those directions to DSP, Parbhani. Furthermore, in the

same order / communication dated 1st August, 2025, both the directions have been given. Now, when the State itself has taken the step to handover the investigation to State CID, then we would consider as to whether the same is going in proper direction. Further, when in similar circumstances the Honourable Supreme Court had passed the said order dated 5th May, 2025, that should have been considered by the State and the Director General of Police ought to have then constituted the SIT. Now, what it appears from the order passed on 1st August, 2025 and the two orders passed on 4th August, 2025 that each authority is directing another to handover the investigation. Further, we ask for the case diary from the investigating officer, who is present before us. It appears that she has collected the documents and then after the study of those documents, it is stated that she has prepared the road map as to how the investigation is to be carried out and has submitted it to the superior for approval. When the query was made as to why there should be road map that is required to be submitted by the investigating officer, it is informed that it is the procedure developed in State CID. We may not go into the details about whether that procedure would be correct or not, but the fact remains that there is no substantial progress, even at the initial stage in the matter. Further, the order which has been passed by the Superintendent of Police CID, Chhatrapati Sambhajnagar on 4th August, 2025, he has then included the P.I. attached to CID, Parbhani,

to the unit. If the local police in any form was to be excluded, then there ought to have been exclusion of all police officers deployed in Parbhani District, if that independence or transparency is then required to be maintained.

6 Under such circumstance, taking into consideration the order passed by the Honourable Supreme Court in ***The State of Maharashtra Vs. Anna Maruti Shinde*** (supra), we now direct the Director General of Police, State of Maharashtra, to constitute SIT comprising of the officers as he deems appropriate. Of-course, he should exclude all the police officers in any form presently deployed in Parbhani District while making such appointment of the members of the SIT. The SIT then shall be supervised by the Director General of Police himself or by a superior officer nominated by him. Such appointment to be made within a period of one week from today and then the present officer appointed should handover all the papers to such senior member of the SIT formed by the Director General of Police.

7 A copy of the order of appointment of SIT be made available to the petitioner / informant, as under Section 193(3)(ii) of the BNSS, the police officer is required to inform the progress of the investigation by any means including through electronic

communication to the informant or the victim.

8 We also direct that the informant, if she has any grievance, may approach the competent Court i.e. the concerned Magistrate or the Sessions Court, as the case may be, for the appropriate relief as may be legally available to her.

9 Criminal Application No.2746 of 2025 was filed by the State for extension of time for implementing the order passed by this Court on 4th July, 2025. However, the learned Public Prosecutor submits that since the order has now been obeyed, the said application has become infructuous. Hence, Criminal Application No.2746 of 2025 stands disposed of.

10 It appears that the State has not filed the additional affidavit-in-reply in respect of rest of the prayers in the writ petition, though time was granted for a period of three weeks to the State. Now, as a last chance, an opportunity is given to the State to file additional affidavit-in-reply in respect of other prayers in the writ petition. It is to be filed on or before 4th September, 2025. A copy of the same be given to the other side in advance.

11 Place the matter for further consideration **at 02:30 pm on 12th September, 2025.**

12 Parties to act on authenticated copy of this order.

nga [SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]