



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1548 OF 2025

Sindhu Shankarrao Gondkar,
Age : 85 years, Occu : Household,
R/o. Sita Nagar, Shirdi,
Tq. Rahata, Dist. Ahilyanagar.

...PETITIONER

Versus

1. The State of Maharashtra,
Through the Superintendent of Police,
Ahilyanagar, Dist. Ahilyanagar.
2. Police Inspector cum Complainant
and Investigation Officer,
Shirdi Police Station,
Tq. Rahata, Dist. Ahilyanagar.

...RESPONDENTS

Mr. Kadam Vikram Sahebrao, Advocate for the Petitioner.
Mr. P. M. Kulkarni, APP for Respondent – State.

CORAM : ABHAY J. MANTRI, J.
DATE : NOVEMBER 25, 2025

JUDGMENT :

1. Heard. **Rule.** Rule is returnable forthwith. Heard learned counsel appearing for the petitioner and the learned APP for the respondent – State at the admission stage.
2. By this petition, the petitioner challenges the order dated 14th July 2025 passed by the learned Judicial Magistrate First Class, Rahata, below Exhibit 6 in RCC No.214 of 2025, whereby the application filed by the petitioner seeking further investigation in connection with Crime No.256

of 2025 registered with Shirdi Police Station has been rejected.

3. The thrust of the submissions advanced by the learned counsel for the petitioner is that the petitioner, being the victim, is entitled to seek further investigation in the proceedings under Section 156(3) of the Code of Criminal Procedure, 1973 (for short, '**Cr.PC.**'), or Sections 175(3) and (4) of the Bharatiya Nagrik Suraksha Sanhita, 2023 (for short, '**BNSS**'). However, the learned Magistrate failed to consider these aspects in their proper perspective and erred in rejecting the application. During the course of arguments, the learned counsel for the petitioner has taken me through the application filed by the petitioner before the Court and has also drawn attention to Sections 175(3) and (4) of the BNSS, as well as Section 156(3) of the CrPC, and submitted that in view of the mandate under these provisions, the petitioner is entitled to file an application seeking further investigation. He further contended that the widow and the daughter of the deceased had given misleading statements to the police and thereby misguided the investigation. According to him, the widow is also involved in the present crime, and therefore, further investigation is necessary. Hence, he urged that the petition be allowed.

4. To buttress his submissions, the learned counsel for the petitioner has relied upon the judgments of the Hon'ble Supreme Court in *Jagjeet Singh and others Vs. Ashish Mishra Alias Monu and another*¹, *Sudhir*

¹ (2022) 96 SCC 321

*Bhaskarrao Tambe Vs. Hemant Yashwant Dhage and others*², *Hasanbhai Valibhai Qureshi Vs. State of Gujarat and others*,³ and *Sakiri Vasu Vs. State of Uttar Pradesh and Others*⁴ and submitted that, in view of the law laid down in the said judgments, the petitioner is entitled to seek further investigation in the matter.

5. *Per contra*, the learned APP submitted that the order passed by the learned Magistrate is just and proper and requires no interference. He further drew my attention to Section 193(9) of the BNSS. He submitted that, in view of the mandate under the said provision, the Court may, at any time if required, direct further investigation by the Investigation Officer, but the victim cannot seek such investigation. He alternatively submitted that in view of Section 440 of BNSS, the remedy of revision is available to the petitioner, and therefore, this petition is not maintainable before this Court.

6. It is pertinent to note that a query was put to the learned counsel for the petitioner as to under which provision the application seeking further investigation had been moved before the Trial Court. In response, he relied upon Sections 175(3) and (4) of the BNSS. However, on perusal of the said provisions, in my view, there is no substance in his contention, as sub-clauses (3) and (4) of Section 175 of the BNSS empower the Magistrate to direct further investigation in the matter if he deems it

² (2016) 6 SCC 277

³ (2004) 5 SCC 347

⁴ (2008) 2 SCC 409

appropriate. It does not appear that the victim can move an application under Section 175(3) and (4) of the BNSS to seek further investigation. Therefore, I find no merit in the contention advanced by the learned counsel for the petitioner in this regard.

7. It further appears that the order is revisable before the learned Additional Sessions Judge under Section 440 of the BNSS. Therefore, in my view, without availing the said remedy, the filing of the present petition is not proper.

8. Apart from this, it appears that the investigation has already been completed and the Police Officials have also filed the charge-sheet. Therefore, in my opinion, further investigation into the matter is not required at this stage.

9. It is pertinent to note that the learned Magistrate, in paragraph No.9 of the order, has categorically observed that the application does not disclose any provision under which it was filed, and has further recorded that, be that as it may, Section 193(9) of the BNSS provides that the Officer-In-Charge of a Police Station is not precluded from carrying out further investigation even after filing of the charge-sheet. Likewise, in paragraph No. 8, it is observed that the application was moved during the pendency of the investigation; however, on 28th May 2025, the charge-sheet was filed before the Court. Moreover, the Investigation Officer, in his say, has stated that if it is found that any other accused persons are involved in the offence,

necessary action would be taken against them under Section 193(9) of the BNSS. Therefore, the learned Magistrate, after considering this provision, has rejected the application.

10. I have gone through the judgments relied upon by the learned counsel for the petitioner. However, he has, on a prima facie basis, failed to demonstrate that the petitioner is entitled to seek a remedy under Section 156(3) of the CrPC or Sections 175(3) and 175 (4) of the BNSS. Therefore, in my view, the law laid down in the above-cited judgments is hardly of any assistance to the petitioner in support of her contentions.

11. Apart from that, the learned counsel for the petitioner vehemently argued that the wife of the deceased was also involved in the crime. However, he has, on a prima facie basis, failed to point out any material in the entire charge-sheet indicating her involvement in the present crime or any circumstance suggesting the same. Merely because the wife gave an incorrect statement does not mean that she was involved in the offence. Therefore, I do not find any substance in his contention.

12. As a result, the petition, being devoid of merit, stands dismissed.

13. The Rule is discharged. No costs.

14. Inform the learned Magistrate accordingly.

(ABHAY J. MANTRI, J.)