

Jvs.

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

PUBLIC INTEREST LITIGATION NO. 13 OF 2024

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Chitra Kishor Wagh	}	Petitioner
Versus		
State of Maharashtra & Ors.	}	Respondents

**WITH
INTERIM APPLICATION NO. 3447 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 13 OF 2024**

Lahu Chandu Chavan	}	Applicant
In the matter between		
Chitra Kishor Wagh	}	Petitioner
Versus		
State of Maharashtra & Ors.	}	Respondents

**WITH
INTERIM APPLICATION NO. 3187 OF 2021
IN
PUBLIC INTEREST LITIGATION NO. 13 OF 2024**

Shantabai Kashinath Rathod	}	Applicant
In the matter between		
Chitra Kishor Wagh	}	Petitioner
Versus		
State of Maharashtra & Ors.	}	Respondents

Mr. Anil Sakhare, Senior Advocate i/b.
Mr. Joel Carlos for petitioner.

Mr. Pranav Badheka, Senior Advocate
with Mr. Shyam Jadhav, Mr. Sameer P.
Nangare and Ms. Kavita Dhanuka for
applicant in IA/3447/2024.

Mr. Sarang S. Aradhye with Ms. Gauri
Velankar and Mr. Shantanu Gurav for the
applicant in IA/3187/2021.

Dr. Birendra Saraf, Advocate General with
Mr. H. S. Venegaonkar, Public Prosecutor
and Mr. A. S. Patil, APP for State.

Mr. Pawar, PSI-Investigation Officer,
Wanwadi Police Station, Pune City
present.

**CORAM: ALOK ARADHE, CJ. &
BHARATI DANGRE, J.**

DATE: JANUARY 23, 2025

P.C.:

1. With consent of learned counsel for the parties, the PIL is heard finally.

2. This PIL has been filed *pro bono* by the petitioner, who claims to be a social worker and a women activist. The grievance of the petitioner, as pleaded in the PIL, is that on early hours of 8th February 2021, a young girl, namely, 'X' died. According to the petitioner, the death of the aforesaid girl took place under mysterious circumstances. The petitioner has filed this petition before this Court seeking a direction to respondent no. 4 to register an FIR to investigate into the mysterious death of the aforesaid girl and to set up a Special Investigation Team (SIT) to investigate the unfortunate incident. Alternatively, the petitioner has sought a direction to transfer the investigation to the Central Bureau of Investigation (CBI).

3. In response to the petition, the Assistant Commissioner of Police, Wanwadi Division, Pune has filed an affidavit. In the said affidavit, it has been stated that the police thoroughly inquired into the aforesaid unfortunate incident. In the course of investigation, it was found out that the deceased, at the time

when the incident happened, was under the influence of alcohol and fell down from balcony. It has been stated that the aforesaid incident was an accident. A copy of the medical report to that effect as well as Summary report filed before the Magistrate along with all requisite documents have been annexed with the affidavit.

4. It is pertinent to mention here that after filing of the report, two other persons claiming themselves to be activists approached the Magistrate, who declined to interfere with the investigation carried out by the police authorities and has rejected the petitions filed under section 156(3) of the Code of Criminal Procedure, 1973 (Cr.P.C.).

5. When the matter was called out, learned Advocate General submitted that the requisite action under the law has been taken and our attention has been invited to various documents annexed with the report.

6. Learned senior counsel for the petitioner and learned counsel for the intervener, who is related to the deceased as father, submitted that in view of the comprehensive report filed by the police authorities and the subsequent orders passed by the Magistrate on the petitions filed under section 156(3) of the Cr.P.C., his grievance does not survive for consideration.

7. In view of the submission made on behalf of the father of the victim, learned counsel for the intervener in Interim Application No. 3187 of 2021, filed by a distant relative, also submit that he do not wish to press his interlocutory application.

8. Learned counsel for the parties jointly submitted that the proceedings be closed.

9. In view of the aforesaid submissions and after perusal of the report along with subsequent orders passed by the Magistrate on the petitions filed under section 156(3) of Cr.P.C., no further orders are required to be passed in this PIL. The same is accordingly disposed of.

10. In view of the aforesaid, the interim applications are also disposed of.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)