

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3965 OF 2023

Vijay Vasant Rajpurkar ...Petitioner

V/s.

The State of Maharashtra & Ors. ...Respondents

ALONGWITH
CRIMINAL WRIT PETITION NO. 5112 OF 2024

Vishwanath Shivaji Talavdekar ...Petitioner

V/s.

The State of Maharashtra & Ors. ...Respondents

Mr. Rajesh Tekale for Petitioners in both Writ Petitions.
Mr. Vinod Chate, A.P.P. for Respondent No.1 – State in WP/3965/2023.
Mr.Ashish I. Satpute, A.P.P. Respondent No.1 – State in WP/5112/2024.
Mr.Tahir Parande i/b. Mr.Devang Lakhotia for Respondent No.3 in WP/3965/2023.
Mr.Devang Lakhotia for Respondent No.3 in WP/5112/2024.
Mr.Satish Umare, PI, Goregaon Police Station, Mumbai present.

CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.
DATE : 23rd JULY, 2025

PC.:-

- 1) Record of present case shocks the conscience of this Court.
- 1.1) The crime in question i.e. C.R.No. 0666 of 2023 is registered on 23rd October, 2023, at 20:26 (8:26 p.m.) with Goregaon Police Station,

Mumbai.

1.2) Upon a query by the Court, learned A.P.P on instructions from Mr.Umare, PI, the Investigating Officer submitted that, the investigation of the present crime is being conducted. However, due to the pendency of the present petitions, it is not concluded and as a consequence thereof, the charge-sheet is not filed till today in last more than 21 months.

1.3) The aforementioned submission on behalf of the State is contrary to all fundamental principles of investigation and law of the land.

2) Perusal of record further indicates that, though Writ Petition Nos. 3965 of 2023 and 5112 of 2024 are filed on 17th November, 2023 and 10th November, 2023 respectively, no *ad-interim* or interim relief of any nature is granted in favour of the Petitioners by this Court.

2.1) We are regularly coming across with such sort of pleas by the prosecution i.e. (i) petition is filed and therefore investigation is not been conducted, (ii) Consent Terms are filed before the trial Court in anticipatory bail application and therefore investigation is not conducted and such other palpably specious pleas. It clearly gives an impression that, Investigating Officers are either not serious in investigating the crimes or with a view to shrug of the lawful responsibility, are adopting such sham and/or moonlight pleas before the Courts.

3) In view thereof, we deem it appropriate to direct the Joint Commissioner of Police (Law and Order), Mumbai to file his detailed

Affidavit to the Petitions.

3.1) We direct the Joint Commissioner of Police (Law and Order), not to delegate its powers to any sub-ordinate Officer while filing the reply.

3.2) We direct the Joint Commissioner of Police (Law and Order) to place on record the provisions of law which prohibits the Investigating Officer from conducting lawful investigation only because the Petitions are filed in the Court or Consent Terms are filed before the trial Court at the stage of anticipatory bail application preferred by the accused persons.

3.3) The said affidavit be filed within a period of one week from today.

3.4) If the Joint Commissioner of Police (Law and Order), Mumbai comes to the conclusion that the Investigating Officer(s) have deliberately not conducted the investigation, only with a view to help the accused persons, then what necessary action he will adopt against the concerned shall be stated in the said affidavit.

4) Stand over to 6th August, 2025.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)