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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2221 OF 2024

Milind Mahendra Ruparel & Ors.

... Petitioners

V/s.

The State of Maharashtra & Anr.

...Respondents

Mr.Kapil Dave a/w. Mr. M. Ansari, Mr.Yash Awalkanthe for Petitioners.

Smt. Prajakta P. Shinde, A.P.P. for Respondent No. 1 – State.

Mr. Milind Deshmukh for Respondent No.2.

Mr. Rajesh Pukale, PI, Chembur Police Station, Mumbai present.

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

PC:-

1) Petitioners, accused in C.R.No.0543 of 2023 dated 11th September, 2023 registered with Chembur Police Station, Mumbai, have invoked jurisdiction of this Court under Article 226 of the Constitution of India, for quashing of the said crime, with the consent of Respondent No.2, the informant.

1.1) It is an admitted fact on record and as per the submission of learned A.P.P, till date the Investigating Agency has not completed the investigation and filed charge-sheet for the reasons best known to the

concerned Investigating Officer(s) who were handling investigation of the present crime from time to time. Undoubtedly, it is a matter of concern from the point of investigation of a crime alleging the offence as contemplated under Section 420 r/w. Section 34 of the Indian Penal Code, 1860.

2) Though the Respondent No.2 is consenting for quashing of the crime, we have noticed startling discrepancies and/or lacunae in investigation which ultimately will give benefit to the accused persons only. The crime in question is registered on 11th September, 2023 and in last more than 21 months, the Investigating Officer(s) have done nothing. This shocks the conscience of this Court.

3) Perusal of record of investigation indicates that, in last about two years, not a single statement of any witness is recorded and the investigation is kept pending only to benefit the accused persons. This is the inference which only can be drawn from the facts of the present case.

3.1) This is unconscionable and hits the basic tenet of investigation and criminal jurisprudence.

4) Record further indicates that Petitioner No.4, Mr.Sumeet Sadawarti was arrested by police and was subsequently released on regular bail on 26th September, 2023. It is thus apparent that, a citizen of India has to face arrest, without there being any proper and thorough investigation in that behalf and has to remain behind bars for about six days. According to us, it clearly violates the fundamental right of a citizen, though an accused.

As noted earlier, the investigation of the present crime is been deliberately conducted for last about 2 years in lackadaisical manner, for the benefit of other accused persons.

5) In view thereof, we deem it appropriate to direct the Joint Commissioner of Police (Law and Order) to file his detailed reply to the present Petition.

5.1) We direct the Joint Commissioner of Police (Law and Order), Mumbai not to delegate his powers to any sub-ordinate Officer.

5.2) We direct the Joint Commissioner of Police (Law and Order) to peruse the entire record of investigation and if he finds that the act of all the Investigating Officers earlier to this is contrary to the settled position of law, then to adopt necessary action against concerned.

5.3) The said Affidavit be filed on or before 29th July, 2025.

6) Stand over to 30th July, 2025.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)