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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2950 OF 2025

Elisheva Eliran Nechamma Benishai and anrPetitioners

Vs.

The State of Maharashtra and OrsRespondents

Mr. Mihir Gheewala a/w Mr. Farhad Panthaki, Mr. Abinash Pradhan
and Mr. Yash Dedhia i/b Wdia Ghandy and Co. for the petitioner
Ms. Gauri Rao APP for the State
Mr. Chimaji Adhav, Sr. PI, Byculla Police Station

**CORAM : GAURI GODSE,
SOMASEKHAR SUNDARESAN, JJ.
(VACATION COURT)**

DATE : 30th MAY 2025

ORDER:

1. This petition raises various grievances about the manner in which the Byculla Police Station has failed to investigate the complaint filed by petitioner no. 1. A perusal of the contents of the petition and the FIR discloses that serious allegations are made about the atrocities that were faced by the petitioners and their family.

2. We do not intend to express any opinion on the allegations made. However, considering the allegations that are serious in nature,

we called upon learned APP to take instructions from the concerned police station. The petition was kept back in the second session. On second call, learned APP on instructions of Mr. Chimaji Adhav, Senior Police Inspector submits that the investigation is already completed and chargesheet is filed on 25th May 2025. She submits that she will file a detailed affidavit-in-reply placing all the particulars on record.

3. Learned counsel for the petitioner points out a notice dated 15th May 2025 calling upon the petitioner to remain present in the police station for inquiry. He submits that statements on behalf of the petitioner or the family members are not recorded. He further submits that even the medical examination is not done. The allegations are also pertaining to the offence punishable under The Protection of Children from Sexual Offences Act, 2012. He further submits that neither medical examination nor the statement of the child has been recorded.

4. If the allegations made by the petitioner are correct and none of the statements are recorded, we fail to understand how the chargesheet has already been filed.

5. Considering the seriousness of allegations in the petition, we find

it appropriate that the Commissioner of Police, Mumbai shall appoint a Senior IPS Officer to examine the investigation and place on record a report before this Court.

6. Learned counsel for the petitioner submits that around a week before the incident, the police protection given to the petitioners was withdrawn. He submits that two constables were posted at the residence of the petitioners. However, a few days before the incident, the protection was withdrawn without any intimation to the petitioners.

7. Learned APP on instructions submits that after following necessary procedures, police protection was withdrawn. She submits that she will place on record particulars regarding the same in the affidavit that would be filed. Learned APP also submits that the notice dated 15th May 2025 pertains to FIR filed against petitioner no. 1.

8. However, considering the serious nature of the allegations made and the manner in which the chargesheet appears to have been filed, we find it appropriate that the Commissioner of Police, Mumbai shall examine the request of the petitioners and if any threat perceptions are found, necessary steps be taken to provide the police protection, if necessary, after following the required procedure.

9. List the petition on 17th June 2025.
10. Necessary affidavit shall be filed before the next date with an advance copy to the learned advocate for the petitioners.

[SOMASEKHAR SUNDARESAN, J.]

[GAURI GODSE, J.]