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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3613 OF 2025

Milind Sakharam Mundekar

.. Petitioner

Versus

State Of Maharashtra And Ors

.. Respondents

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**Mr. Mohit P. Dalvi**, a/w. Mr. Pritesh R. Kadam & Mr. Arya V. Ambolkar, for the Petitioner.

**Mr. S.V.Gavand, Addl.P.P.** for the Respondent-State.  
PI Vivek Ahire of Khed Police Station present.  
PSI Amol Gangadhar, of Dapoli Police Station, present.

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**CORAM: RAVINDRA V. GHUGE**

**&**

**GAUTAM A. ANKHAD, JJ.**

**DATE: 4<sup>th</sup> AUGUST, 2025**

**P. C.**

1. This is a shocking case before us, wherein a Station House Officer of the Dapoli Police Station, Taluka Dapoli, District Ratnagiri Shri Vivek Ahire (Police Inspector from 2022, till 30/6/2025), has disobeyed the Orders of the learned Magistrate passed under Section 156(3) of the Criminal Procedure Code and declined to register an FIR. The dates and events are narrated hereunder:

- a) The Petitioner/complainant filed Criminal Misc. Application No.133/2023 invoking Section 156(3) of the Criminal Procedure Code, on 2<sup>nd</sup> August, 2023 before the learned Judicial Magistrate First Class, Dapoli, praying for a direction to the Police to register an FIR.
- b) On 17<sup>th</sup> August, 2023, the Petitioner also forwarded a written complaint to the Police Inspector and a copy marked to the Deputy Superintendent of Police, Ratnagiri, as mandated under Section 154(3) of the Criminal Procedure Code.
- c) On 8<sup>th</sup> September, 2023, the learned JMFC, Dapoli passed an Order directing the SHO of Dapoli Police Station to register an FIR, under Section 156(3) of the Criminal Procedure Code, to investigate into the same and file a charge-sheet under Section 173(8) of the Criminal Procedure Code.
- d) The said Order was communicated to the SHO on 27<sup>th</sup> September, 2023.
- e) Since the FIR was not registered, the Petitioner filed applications at Exhibit 15, dated 24<sup>th</sup> November, 2023 and at Exhibit 18, dated 12<sup>th</sup> August, 2024 by way of a reminder.
- f) On 14<sup>th</sup> October, 2024, Application Exhibit 19 was filed by the Petitioner for issuance of Show Cause Notice against the Police Inspector.
- g) On 24<sup>th</sup> January, 2025, the learned JMFC, Dapoli issued a Show Cause Notice to the Inspector.

h) The Police Inspector replied to the learned JMFC that there is a G.R. dated 04/01/2017 and the complaint will have to be considered by the CEO of the Zilla Parishad, after conducting an inquiry.

The above dates and sequence of events are undisputed even by the said SHO Shri Vivek Ahire, of the Dapoli Police Station.

2. In view of the above, we had called upon the learned APP to list out before us the names of the SHO who were holding charge of the Dapoli Police Station from 2022 till the date of registration of the FIR, which was registered on 11<sup>th</sup> July, 2025 after the Petitioner filed this Petition.

3. The learned Advocate for the Petitioner has informed us that Shri.Vivek Ahire, was the Police Inspector/SHO with the Dapoli Police Station from 2022 till 30<sup>th</sup> June, 2025. Shri. Gavand, the learned APP confirms this information.

4. The learned Advocate for the Petitioner has raised a pertinent question which not only worries us, but stares in the face of the law enforcing agency, viz. ‘Whether the evidence in the last 3 years has got destroyed or

whether the conduct of SHO Shri. Vivek Ahire, has indirectly helped the accused in tampering with the evidence ?’

5. He further pointed out that the records of the Gavhe Gram Panchayat, has already been tampered with and the Petitioner has documentary proof of such tampering. To add to his problems, he points out a document placed on record which is a complaint dated 20<sup>th</sup> June, 2025, again addressed to the same SHO of the Police Station informing him in writing that certain persons (whose names are mentioned) have abused and threatened the Petitioner with dire consequences, if the case lodged by him is not withdrawn.

6. In view of the above, we deem it necessary and expedient to issue the following directions:-

- a) The District Superintendent of Police Ratnagiri Mr. Nitin Bagate, shall follow the due process laid down in law and issue a show cause notice to the Police Inspector Mr. Vivek Ahire, in view of the above stated admitted position. Thereafter, if he finds that Mr. Ahire has no justifiable reason to disobey the order of the learned Magistrate, he would initiate disciplinary proceedings against the said officer strictly in accordance with the procedure laid down in service law.

b) We clarify that the due procedure should be followed and appropriate steps as the District Superintendent of Police may deem fit, would be initiated. Shri Ahire is presently posted at Khed Police Station, District Ratnagiri.

c) We direct the present SHO of the Dapoli Police Station to record the supplementary statement of the Petitioner in the light of his complaint dated 20<sup>th</sup> June, 2025 and his contention that the records have been tampered with the Gavhe's Gram Panchayat, within a period of 7 days from today.

d) We direct the present SHO of Dapoli Police Station to expedite the investigation and ensure that the investigation is performed in a strict manner by following the due procedure. If the Petitioner gathers an impression that the investigation is going slow or the Police authorities are showing laxity, liberty to the Petitioner to seek appropriate orders by approaching the appropriate forum.

7. With the above directions, **this Petition is disposed off.**

[ GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, J.]