

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3839 OF 2025

Shohaib Umarali Sayyed

....Petitioner

Versus

The State of Maharashtra and Ors.

....Respondents

Mr. Debajyoti Talukdar for the Petitioner.

Mr. Avinash A. Naik, APP for the Respondent – State.

Ms. Sharmila Sutar, Police Inspector and Mr. Mahendra Kamble,
PSI, Khadak Police Station, Pune City present.

CORAM : RAVINDRA V. GHUGE

&

GAUTAM A. ANKHAD, JJ.

DATE : 5th AUGUST, 2025

P.C. :-

1. We have heard the learned Advocate for the Petitioner and the learned APP. On 30th July, 2025, we had passed the following order :

1. The learned Advocate for the Petitioner apologizes that he could not establish contact through the virtual mode on 21st July, 2025, to address the Court.

2. We have heard the learned Advocate for the Petitioner.

3. The learned APP submits that despite information being conveyed to the Station House Officer (SHO) of the Khadak Police Station, Pune City, neither instructions have

been given to him, nor any Officer is present in the Court

4. List this Petition on 5th August, 2025, in the supplementary board.

5. Let the SHO of the Khadak Police Station remain present in the Court to assist the learned APP with proper instructions.

2. The learned APP informs us that the above order has been communicated to the SHO Mr. Shashikant Chavan. However, Mr. Chavan entered a leave note on 3rd August, 2025, despite the matter being listed for hearing today. It, thus, appears that he has voluntarily chosen not to remain present before the Court to assist the learned APP. The High Court is not expected to wait till the said officer makes up his mind to assist the learned APP.

3. The Petitioner is before us with the following prayers :

(a) By appropriate Writ, Order or directions, this Hon'ble Court be pleased to direct the Respondents to forthwith to file FIR under section 109, 118(1), 115(2), 352, 351(1), 189(2), 190, 191(2), 194(2), 126(2) of the Bhartiya Nyaya Sanhita, 2023 and other relevant sections of law against Harsh Keshwani, Karan Lalit Keshwani, Bharat Keshwani, Girish Keshwani and other responsible persons and handover the investigation to any other independent

investigating agency under higher ranking authorities.

(b) This Hon'ble Court be pleased to direct to the Independent Agency initiate immediate, effective and impartial process to bring the culprits under justice.

(c) Hon'ble Court be pleased to direct such independent investigating agency to take all the necessary steps in accordance with law to conduct fair and impartial investigation within time bound programme and submit the periodical report regarding the progress in the investigation to this Hon'ble Court.

(d) Hon'ble Court be pleased to direct Respondent No.1, and No.4 to immediately suspend all the Police officials who have acted under Political pressure and refused to file FIR as well to take any action by discriminating the Petitioner and his family on religious basis.

4. The learned APP is under instructions from Mr. Chavan, conveyed to through Ms Sutar, PI, to tell the Court that he will not register an FIR at the behest of the present Petitioner. We are astonished by such statement.

5. We have perused the complaint filed by the Petitioner dated 25th June, 2025, with the SHO, Khadak Police Station, setting out all the details which would indicate, *prima facie*, as to how the

Petitioner was allegedly abused on his religion and was physically badly assaulted. Obscene bad words attributed to his sister and mother, were uttered. The only dispute was of 'blowing of a horn', which resulted in 'road rage' wherein one person namely, Harsh Keshwani emerged from his vehicle and started abusing the Petitioner. It is further alleged that he initially slapped the Petitioner and was later joined by his relatives, namely Karan Keshwani, Bharat Keshwani, Girish Keshwani, and two to three unknown persons. Together, they physically assaulted the Petitioner, who was with his brother.

6. The Petitioner has narrated the details of the physical assault on him. Karan Keshwani picked up a stone and tried to hit the Petitioner on his head, which he could evade by the use of his hand. As a result, he sustained injuries to his hand and waist. The brother of the Petitioner was physically picked up, banged against a wall, and also assaulted. The details of the physical assault on the Petitioner and his brother, are explicitly mentioned in the complaint. Thereafter, the Petitioner has been pursuing the said SHO of Khadak Police Station as well as the Deputy Commissioner of Police, Zone–

I, Pune City, and has also addressed letters to the Commissioner of Police, Pune.

7. The Petitioner then approached Sassoon Hospital, Pune. The medical records indicate that he was taken to the surgery casualty ward with a reported case of physical assault. Five injuries have been recorded on the medical papers and he was also subjected to ultrasonography. These medical records have been placed on the record.

8. A passerby is said to have recorded a video of the alleged incident, during which the Petitioner and his brother were brutally assaulted. The learned APP submits that one person from the other group (which purportedly assaulted the Petitioner and his brother), at whose instance FIR No.0238 was registered at 22:25 hours on 27th April, 2025 with the Khadak Police Station, had recorded the said incident. The photographs indicate that the Petitioner and his brother were subjected to a severe physical assault. Both were thrown to the ground, their clothes were torn, and the photographs indicate that they were severely beaten. A well built

person is seen in the photographs assaulting the Petitioner and his brother. He then is said to be the Informant who lodged the FIR No.0238.

9. What is surprising is that the said FIR indicates that a charge of attempt to murder has been registered against the Petitioner, who, as seen in the color photographs before us, was brutally assaulted by the Complainant. Our judicial conscience is shocked by the conduct of the Khadak Police Station. This is a fit case for issuing directions to the Commissioner of Police to initiate stringent action against the SHO, Mr. Shashikant Chavan, for his refusal, even in this Court, to register the FIR on the basis of the complaint filed by the present Petitioner.

10. In view of the above, **this Petition is partly allowed.**

11. We direct Respondent No.2 to register the FIR, in the light of the complaint of the Petitioner dated 25th June, 2025, within 48 hours from today and without waiting for this order to be uploaded on the official website of the Bombay High Court.

12. We direct Respondent No.4, Commissioner of Police, Pune City, to follow the due procedure laid down in law and issue a show cause notice to Respondent No.2, namely Mr. Shashikant Chavan, calling for an explanation as to why the FIR was not registered immediately after the crime was reported by the Petitioner. If the explanation is not justifiable, the Commissioner of Police would initiate disciplinary action against the said Officer, in accordance with the procedure prescribed under service jurisprudence and the applicable service rules.

13. Let a compliance report, in view of the above directions, be tendered before this Court on 6th October, 2025.

(GAUTAM A. ANKHAD, J.)

(RAVINDRA V. GHUGE, J.)