
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4188 OF 2025

Akanksha Arun Mehendale

.. Petitioner

Versus

State of Maharashtra & Anr.

.. Respondents

Mr. A. R. Kulkarni a/w A. R. Mandlik for the Petitioner.

Mr. Mayur Sonavane, APP for the Respondent-State.

Mr. Praveen Ghutugade, API, Dombivali Police Station, Thane.

CORAM: RAVINDRA V. GHUGE &
GAUTAM A. ANKHAD, JJ.

DATE: AUGUST 19, 2025

P. C.

1. On 13th August, 2025, we had passed the following order:-

“1. Horrendous facts are brought before the Court by the Petitioner, who is the elder biological daughter of an aged couple, who are being beaten mercilessly by the biological son. She has shown great strength and courage by installing CCTV cameras inside the house when it became unbearable for her to see her elder brother, who is an alcoholic, beat the old parents with kicks and shoes until they bleed. CCTV

Cameras recorded such beating and it is the contention of the Petitioner, who took her old father to the Police Station and showed the video recordings to Mr. Praveen Ghutugade, API, Dombivali Police Station.

2. *According to the Petitioner and her father, despite seeing the CCTV Footage recordings, the said Police Officer hardly reacted. We are informed that a written complaint was prepared on 16th June, 2025 and tendered to the Police Station on 17th June, 2025. The said Officer refused to accept it. Hence, the Petitioner dispatched the complaint on 18th June, 2025 by Post Department, which was received by the said Police Officer on 19th June, 2025. It is from that day until the 10th of August, 2025, that the beating of the parents has continued unabated, only because the Police failed react to the situation.*

3. *The learned APP, on instructions from Mr. Ghutugade, informs the Court that the video recording was never shown to him. He further submits, on instructions, that an N.C. was registered on 25th June, 2025, and a second N.C. was registered on 1st July, 2025, wherein it is recorded that the son physically assaulted his parents and also assaulted the elder sister (Petitioner), when she attempted to rescue them. Yet, only an N.C. was registered.*

4. *Finally, the Petitioner approached this Court by lodging the present Petition on 23rd July, 2025. The learned Advocate for the Petitioner tenders a short transcription of a discussion between Mr. Ghutugade and the Petitioner, dated 7th August, 2025, under the signature of the Petitioner. The same is taken on record and marked as 'X-1' for identification.*

5. *Since the learned APP has been instructed by Mr. Ghutugade to deny that the CCTV footage was shown to him or that he was aware of the old couple being beaten, we direct Mr. Ghutugade to file his personal affidavit on or before 16th August, 2025.*

6. *List this Petition on **19th August, 2025**, in the ‘Urgent Supplementary Board’.*

7. *In the meanwhile, the Senior Police Inspector of Dombivali Police Station shall ensure that lady constables, accompanied by male constables, visit the premises of the Petitioner. Both the lady and male constables shall share their cell phone numbers with the Petitioner to enable her to contact them in case of an emergency.”*

2. We have considered the submissions of the learned Advocate for the Petitioner and the learned APP. We have perused the two affidavits filed by Mr. Praveen Ramchandra Ghutugade, Assistant Police Inspector, Dombivali Police Station, Thane dated 13th August, 2025 (Pages 106 to 112) and 14th August, 2025 (pages 113 to 117).

3. In the light of the affidavits filed by Mr. Praveen Ghutugade, we have analyzed the pleadings/averments set out in the Petition and more importantly, in the complaint lodged by the Petitioner with the concerned Police Station on 16th June, 2025 clearly setting out the circumstances and the alleged incidents indicating that the Accused used to consume liquor and beat his aged parents with footwear, legs /kicks and fists. They have suffered injuries and there are photographs placed on record, in view of the CCTV footage, which we have adverted in our order dated 13th August, 2025.

4. What is peculiar is that though the Petitioner has narrated all these incidents in the complaint, the said Assistant Police Inspector Mr. Ghutugade has not registered an FIR. A non-cognizable offence was registered by the said Police Officer invoking Sections 351(2) and 352 of the BNS, 2023 which read as under:

‘351(2). Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

352. Intentional insult with intent to provoke breach of peace.-

Whoever intentionally insults in any manner, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”

5. In the first affidavit filed by Mr. Praveen Ghutugade dated 13th August, 2025, he has mentioned in paragraph 3, that the Petitioner approached the Police Station with her complaint dated 16th June, 2025 and it was mentioned that the accused used to assault her father and threaten him. Despite such averments in the complaint which are admitted by the said Police Officer in his affidavit, he had the audacity to register an offence under Sections 351

and 352 of the Bharatiya Nyay Sanhita (BNS), 2023 in the form of a non-cognizable complaint.

6. In both of the affidavits, the said Police Officer denied that the Petitioner showed him the CCTV footage or the photographs. Such denial is in the face of an emphatic assertion by the Petitioner that these details were shown to the Police Officer and there was no reason for the Petitioner to suppress the same. In fact her complaint was filed in desperation since the Accused started physically assaulting the parents which resulted in bleeding injuries and on the basis of the CCTV footage.

7. Notwithstanding the above, the fact remains as to what were the circumstances which could have prevailed upon the Police Officer in refusing to register an FIR and invoking such provisions of the BNS, 2023 which would be appropriate to deal with the offence alleged to have been committed by the Accused. When the Police Officer himself admits in the affidavit that it was brought to his notice by the complaint dated 16th June, 2025 that the Accused was assaulting the father and similar allegation was made of assaulting the mother, he should have shown due diligence and acted in a manner befitting a

Police Officer dealing with a serious complaint. The least that he could do was to register an FIR.

8. In paragraph 5 of the affidavit dated 13th August, 2025, the said Police Officer has mentioned that he gave a warning to the Accused to refrain from indulging from any such types of acts as were complained in the complaint by the Petitioner. Thereafter, he disposed off the complaint by registering an NC. In paragraph 6 of the same affidavit, he further submits that he assigned the second complaint of the Petitioner dated 1st July, 2025 to another Assistant Police Inspector Mr. Dhananjay Chavan and he also registered an NC and invoked Sections 115(2) and 352 of the BNS, 2023. Section 115(2), which read as under:-

“115(2) Whoever, except in the case provided for by sub-section (1) of section 122 voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both.

352. Intentional insult with intent to provoke breach of peace.-

Whoever intentionally insults in any manner, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”

9. It is clarified by Mr. Praveen Ghutugade in his affidavit that the second complaint came before Mr. Dhananjay Chavan since he was the duty officer on that day. Mr. Praveen Ghutugade further submits that though he was on duty, he was not a duty officer on 16th June, 2025 and 17th June, 2025. Nevertheless, the first complaint of the Petitioner was assigned to him.

10. Today, the learned APP informs us on instructions of Mr. Praveen Ghutugade, who is present in Court, that now the FIR has been registered bearing No. 639 of 2025, under Sections 74, 79, 125, 115(2), 351(2), 351(3), 352 and 324(4) of the BNS, 2023. The learned APP has made an attempt to convince us that the said Police Officer deserves leniency.

11. If such request is considered in the backdrop of the old parents having suffered beatings at the hands of the Accused who used footwear, legs, hands and caused bleeding injuries to the old parents in between 16th June, 2025 till we passed the first order dated 13th August, 2025 and granted protection to the couple, it would lead to a travesty of justice. These 58 days of physical tormentation and abuse were perpetuated only because the Police Officer Mr. Praveen Ghutugade, did not register an FIR. Our judicial

conscience is shocked by such conduct and showing leniency in such circumstances would be unfair to the old couple, as well as, would set a wrong precedent.

12. Now that the FIR has been registered, **this Petition is disposed off.**

13. We direct the Commissioner of Police, Thane to initiate action under an appropriate procedure as is prescribed in the service conditions applicable to Mr. Praveen Ghutugade and Mr. Dhananjay Chavan. We make it clear that the Commissioner of Police would follow the due procedure laid down in law and grant opportunity for showing cause, to both these Officers. If eventually, the Police Commissioner comes to a conclusion that both Officers need to be dealt with in accordance with the service conditions applicable, he would be at liberty to adopt an appropriate and pragmatic procedure and pass appropriate disciplinary orders. Let the Commissioner of Police file a compliance report before this Court on 1st December, 2025.

[GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, J.]