



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO.19/2025

Varsha W/o Anil Chakolkar and another

Vs.

**The State of Maharashtra, through its Secretary, Home Department
and others**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.S. Hulke, APP for Respondent Nos.1 to 4
Mr. C.D. Dhanjode, Adv. for Respondent No. 7

**CORAM: ANIL L. PANSARE AND
 NIVEDITA P. MEHTA, JJ.**

DATED : 13th JANUARY, 2026

1. None for the petitioners.
2. The petition has been filed to quash and set aside the enquiry report dated 08.03.2024, prepared by the respondent No.4 – Sub-Divisional Police Officer, Murtizapur / Enquiry Officer, by which the respondent No.4 has exonerated the respondent Nos.5 and 6, who allegedly ill-treated the petitioners. According to the petitioners, they were illegally detained and assaulted by respondent Nos.5 and 6. The evidence to that effect in the form of CCTV footage was available, however, respondent No.4 ignored the same.
3. In context with the above, on 17.11.2025, the following order was passed.

*“The petitioners made a grievance of
illegal detention as well as assault against
respondent Nos. 5 and 6.*

2. *It appears that petitioners and*

respondent Nos. 7 to 11 had certain quarrel on the ground of Gram Panchayat Election. Both lodged report against each other with respondent No.5. The petitioners were allegedly ill treated by respondent Nos.5 and 6. Therefore, they approached respondent No.3 to inquire into the matter.

3. Respondent No.3 appointed respondent No.4 as Inquiry Officer who conducted inquiry. He has recorded statements of petitioners and respondent Nos. 5 and 6. He exonerated respondent Nos.5 and 6.

4. The argument is that despite there being clear evidence in the form of CCTV footage, respondent No.4 the Inquiry Officer has ignored the same.

5. We have gone through the report and called upon learned APP to show from report that CCTV footages were considered, to which learned APP fairly submits that CCTV footage has been not considered.

6. That being so, respondent No.4 has apparently ignored most crucial evidence, may be to favour his own subordinates i.e. respondent Nos. 5 and 6.

7. We accordingly, call upon respondent No.3 to look into the matter and inquire about the alleged misconduct at the hands of respondent No.4 by not taking efforts to obtain CCTV footages and to find out the truth in the allegations made by the petitioners against respondent Nos.5 and 6.

8. Respondent No.3 shall conduct inquiry and file report within four weeks from today.

9. List the petition on 16.12.2025.”

4. As could be seen, the respondent No. 3 - Superintendent of Police, Akola was called upon to look into the matter and enquire about the alleged misconduct at the hands of the respondent No.4 by not

taking efforts to obtain CCTV footage and to find out the truth in the allegations made by the petitioners against respondent Nos.5 and 6.

5. In response to the said order, the learned APP submits that the enquiry is completed and report will be filed during the course of the day. Be filed. He has however, shown across the bar the findings of the respondent No.3, wherein he has held that the respondent No.4 has committed error by not making any effort to collect the evidence of CCTV footage and thus acted negligently. The respondent No.3 further stated that the CCTV footage is now not available and thus cannot be looked into. The respondent No.3, however, conducted further enquiry to hold that there is no substance in the complaint made by the petitioners against the respondent Nos.5 and 6.

6. The question before us is whether the enquiry report dated 08.03.2024 as prepared by the respondent No.4 is prepared without considering the necessary evidence. The answer is certainly in the affirmative. The report shown to us today, which is prepared by the respondent No.3 is clear on the point that the CCTV footage was not looked into by respondent No.4. According to the respondent No.3, the respondent No.4 acted negligently. The end result is the CCTV footage is now not available for perusal. That being so, adverse inference should have been drawn in the matter. The respondent No.4, however, has without any order conducted further investigation into the allegations made by the petitioners and held that there is no substance in the complaint lodged by the petitioners.

7. In our view, the petition is filed to test the report submitted by the respondent No.4, which is apparently unsustainable for not considering the vital evidence i.e. CCTV footage.

8. We accordingly allow the petition and set aside the enquiry report dated 08.03.2024, prepared by the respondent No.4 – Sub-Divisional Police Officer, Murtizapur.

9. The respondent No.2 shall initiate fresh enquiry through the officer above the rank of Superintendent of Police, Akola in the matter reported through complaints dated 14.02.2024 and 17.02.2024 made by the petitioners against the respondent Nos.5 to 11.

10. The enquiry shall be completed within 8 weeks from today.

11. The copy of the report shall be furnished to the petitioners.

12. The petition is disposed of in the above terms. No order as to costs.

(NIVEDITA P. MEHTA, J.)

(ANIL L. PANSARE, J.)