IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1394 OF 2022
WITH
CRIMINAL APPLICATION NO. 4345 OF 2023

1. Avinash S/o Vitthal Shete,
Age : 36 Years, Occ. Agriculture,

2. Vithal S/o Namdeo Shete,
Age : 60 Years, Occ. Agriculture,

Both Resident of Gonergaon Tq.
Newasa, Dist. Ahmednagar. ..PETITIONERS

VERSUS

1. The State of Maharashtra,
Through the Secretary,
Home Department,
Mantralaya, Mumbai-32

2. Direcotr Inspector General of Police
Nashik Region, Nashik.

3. The Superintendent of Police,
Ahmednagar, Dist. Ahmednagar

4. Police Inspector,
Police Station, Newasa,
Tq. Newasa, Dist. Ahmednagar

5. Mr. Ranjeet S/o Sakharam Dere,
Age : 50 Years, Occ. Govt. Service,
At present working as Police Inspector,
Hill line Police Station, Ulhasnagar,
Tq. Ambarnath, Dist. Thane

6. Mr. B.H. Date,
Age : 52 Years, Occ. Govt.Service,
At present working as Police Sub
Inspector, Kopargaon Police Station,

Tq. Kopargaon Dist. Ahmednagar.

7. Vijay d. Thakur,
Age : 55 Years, Occ. Govt Service,
At present working as Asst. Police
Inspector, Anti Corrupation Department,
Ahmednagar. ..RESPONDENTS

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Advocate for the Petitioners : Mr. Rajendra P. Phatke
A.P.P. for Respondent Nos. 1 to 4/State : Mr. Govind A. Kulkarni
Advocate for Respondent No.5 : Mr. Rahul R. Karpe a/w Adv. Shubham S. Pawar
Advocate for the applicant/ Intervener : Mr. Adinath B. Jagtap

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CORAM : SANDIPKUMAR C. MORE, &
VAISHALI PATIL-JADHAV, J.J.

RESERVED ON : 30.06.2026
PRONOUNCED ON : 08.07.2026

JUDGMENT (PER SANDIPKUMAR C. MORE, J) :-

1. Rule. Rule made returnable forthwith. Heard finally by consent of the rival parties at the admission stage.

2. The petitioners have filed this petition for following reliefs :-

(A) Call for the record and proceedings.

(B) By issuing writ, order or directions in the like nature, the investigation of the F.I.R. No. 470 of 2020 registered on 31.07.2020 pertaining to incident dated 15.05.2020 be handed over to another independent agency and be directed to file the supplementrary charge sheet by making fresh investigation.

(C) By issuing writ,orders to directions in the like nature, directions be issued to any higher offier of the Police Department to conduct a detailed enquiry against the

delinquent police officrs i.e. respondent No. 4 to 7 and take the suitable action against them by suspending them forthwith.

(D) By issuing writ, order to directions in the like nature, a compensation of Rs. 1,00,000/- may be directed to be awarded in favour of the petitioners from the pocket of the respondent No. 4 to 7 for committing the alleged misconduct and failure to performing their duties as Police Officers.

(E) Quash and set aside the charge-sheet in F.I.R. No.277/2020 for the offence punishable under Sections 307, 371, 341, 143, 147, 148, 149, 323, 504, 506 of IPC and Arms Act 4/25 and Maharashtra Police Act Section 135 which is registered on 18.05.2020".

3. However, during pendency of this petition, charge sheet was filed, and therefore, the petitioners waived prayer clauses (B) and (E). As such, this petition is being entertained only for prayer clauses (C) and (D).

4. Under prayer clause (C), the petitioners have prayed for direction to the higher rank officers of the police department to conduct the enquiry against the delinquent police officers namely respondent Nos. 4 to 7 for not acting promptly in registering the F.I.R. No. 470 of 2020 on the day of incident i.e. 15.05.2020. Likewise, under prayer clause (D), the petitioners have sought compensation of Rs. 1,00,000/- from respondent Nos.4 to 7 for failing to perform their

duties as police officers.

5. According to the petitioners, on 15th May 2020, at 7.30 p.m. due to previous enmity, one Ganesh Vasant Rode along with 25 other persons gathered at the house of petitioners, armed with weapons. Ganesh Rode assaulted petitioner No.1 with a sword on his knee, causing serious fracture, whereas Machindra Rode pointed out a country revolver on the head of Kuldeep, i.e. brother of petitioner No.1. Moreover, Bhausaheb Rode, who is the applicant in Intervention Application No. 4345 of 2023, also assaulted petitioner No.2 with an Iron rod on his knee. The said incident was immediately reported to Newasa Police Station as well as Police Control Room at Ahmednagar. Accordingly, police arrived on the spot. All the accused after noticing arrival of police, ran away into sugarcane crop, but the main accused Ganesh Vasant Rode was caught red-handed on the spot with the sword and was taken by the police.

6. It is grievance of the petitioners that despite having found the main accused on the spot, the concerned police station did not lodge the First Information Report immediately. The petitioner no.1, therefore, approached the police station on 16.05.2020, but no First Information Report was lodged against the accused persons. Then he sent letter to the Superintendent of Police, Ahmednagar on 21.05.2020 and also reminder to the Superintendent of Police,

Ahmednagar on 15.06.2020. He even sent letter on 27.07.2020 to Inspector General of Police, Nashik. Then he sent letter dated 25.08.2020 to the Superintendent of Police again and ultimately on 27.10.2020, sent a letter to Police Inspector. Thus, the petitioners are claiming that despite intimating to the concerned police station, they did not deligently register the First Information Report against the accused persons including Ganesh Rode, who was found on the spot.

7. The learned A.P.P. submits that, the informant i.e. petitioner No.1 as well as petitioner No.2 did not approach police station and they intimated by sending letters only. He further added that as and when the concrete information was received, they immediately registered Crime No. 470 of 2020 on 31.07.2020 pertaining to the incident dated 15.05.2020 and after completion of investigation also filed charge sheet against the accused persons.

8. On the other hand, the learned counsel Mr. Karpe for the intervener pointed out that the petitioners, who are respondent Nos. 8 and 9 in the application for intervention, had in fact suppressed material facts from this Court. According to him, on 15.05.2020, at about 3.00 p.m. the petitioners and other accused had assaulted son of intervener, and therefore, Crime No. 281 of 2020 was registered against the petitioners and other accused. Moreover, petitioner No.2 had in fact filed one N.C. bearing No. 290 of 2020 against the

intervener and other persons at 7.45 p.m. mentioning that the intervener and other accused persons abused him in bad words. In the said N.C., time of incident of the same day, is shown as 17.30 hrs and in the said N.C. report, no allegations were made by petitioner No.2 as alleged in Crime No. 470 of 2020. Thus, it appears that on the day of incident, there was series of incidents between the petitioners party and intervener party. It is extremely important to note that when the petitioner No.2 was in the police station itself, on the day of incident i.e. 15.05.2020, then what prevented him to lodge the report against the intervener and other accused in respect of the incident dated 15.05.20205 at 5.30 p.m.

at

9. Be that as it may, but it is clearly evident from the record that there were cross complaints against each other by the petitioners party and intervener party, and therefore, the truth in respect of manner in which all these incidents took place, would come before us only after the trial of Crime No. 281 of 2020 and Crime No. 470 of 2020. Therefore, it would be to early to jump to the conclusion as to whether respondent Nos. 4 to 7, have failed in discharge of their duties as police officers and whether the petitioners are entitled for compensation of Rs. 1,00,000/- from them as claimed. Therefore, at this stage, we find this Criminal Writ Petition is premature one, and therefore, it stands dismissed.

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10. On dismissal of the main petition, the pending Criminal Application No. 4345 of 2020 also does not survive and it stands disposed of.

11. Rule stands discharged accordingly.

(VAISHALI PATIL-JADHAV)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE

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