



Uday S. Jagtap

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION (ST.) NO. 23327 OF 2024**

Anilkumar Sapare

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

....

Mr. S.V. Pitre i/b Mr. Mahesh Subramanian, Mr. Amol Ghuge for  
the petitioner

Mrs. Kranti T. Hiwrale, APP for the respondent – State

Mr. Sandip Randive, Sr. P.I. R.A.K. Marg Police Station present

....

**CORAM : REVATI MOHITE DERE &  
PRITHVIRAJ K. CHAVAN, J.J.**

**DATE : 19<sup>th</sup> NOVEMBER, 2024.**

**P.C.**

1. Heard learned Counsel for the petitioner.

2. By this petition, the petitioner seeks a direction to the Senior Inspector of Police i.e. respondent no.3 R.A.K. Marg Police Station, Mumbai to comply with the order dated 22.06.2024 passed by the 13<sup>th</sup> Metropolitan Magistrate's Court, Sewree, Mumbai in Miscellaneous Case No. 1300901 of 2024

under Section 156(3) of the Cr.P.C. and to register an FIR; a direction to the respondent no.2 Commissioner of Police, Mumbai to monitor and ensure that proper investigation is conducted by the concerned Police Officer of respondent no.3 – R.A.K. Marg Police Station into the abetment of suicide case of the petitioner's deceased son Abhinav; and a direction to the respondent nos. 1 to 3 to submit a Status Report with respect to the investigation carried out, to this Court.

3. The petitioner is a resident of Bengaluru, Karnataka State. It is the petitioner's case that his son Abhinav committed suicide on 06.01.2024 due to alleged abetment of the respondent nos. 4 to 7. The petitioner has set out in detail in the petition as to how and why his son Abhinav committed suicide. Pursuant to the demise of the petitioner's son Abhinav, the petitioner approached the R.A.K. Marg Police Station, Sewree, Mumbai on several occasions and requested the Police to register an FIR, however, the Police failed to register an FIR. It also appears that a letter was also sent to the Senior Officer requesting for registration of an FIR. However, despite several representations,

no FIR was registered. The petitioner in this petition, in particular, in para 15 of the petition, has averred that the petitioner had sent a letter dated 05.04.2024 requesting the respondent no.3 – R.A.K. Marg Police Station, Sewree, Mumbai to give to the petitioner a report of the investigation / inquiry carried out by them as well as the entire CCTV footage from 27.12.2023 to 05.01.2024 from the camera installed in the Office of the respondent nos. 4 to 7, which would throw light on as to how the petitioner's son has been harassed, resulting in him committing suicide. It appears that despite the said letter, no details were furnished to the petitioner.

4. Since the R.A.K. Marg Police Station did not register an FIR, the petitioner was constrained to approach the learned Magistrate by filing a private complaint in the 13<sup>th</sup> Metropolitan Magistrate's Court, Mumbai seeking an order under Section 156(3) of the Cr.P.C. Pursuant thereto, the learned Magistrate passed an order dated 22.06.2024 in Miscellaneous Case No.1300901 of 2024 under Section 156(3) of the Cr.P.C. The said order is at page 58A of the petition. Pursuant to the said order, the case was sent to the R.A.K. Marg Police Station for

investigation under Section 156(3) of the Cr.P.C. for registration of an FIR and for submitting a report after investigation.

5. The grievance of the learned Counsel for the petitioner is, that despite submitting the said order dated 22.06.2024 to the R.A.K. Marg Police directing them to register an FIR as directed by the learned Metropolitan Magistrate, 13<sup>th</sup> Court, Mumbai, no steps were taken by the Police to register an FIR.

6. According to the petitioner and as averred in the petition, an application was made by the petitioner on 04.07.2024 to the Senior Inspector, R.A.K. Marg Police Station seeking status of the investigation, however, the petitioner received no response. The petitioner's son Abhinav committed suicide on 06.01.2024. It is the petitioner's case, that despite the order of the Magistrate directing registration of the FIR on 22.06.2024, the Police failed and neglected to register an FIR. The petitioner, in this petition, has stated that as the Police failed to register an FIR, he was constrained to approach this Court due to non registration of FIR, as the Police, who are public servants, failed to perform their statutory duties.

7. Vide our order dated 18<sup>th</sup> November 2024, we had directed a responsible Officer from R.A.K. Marg Police Station, well versed with the case to remain present before us today i.e. on 19<sup>th</sup> November, 2024.

8. When the petition was called out today, in the first session, learned APP stated that the Officer was busy in *Bandobast* and was unable to appear. Pursuant thereto, the matter was kept back and the Officer was asked to appear through V.C. Since the officer was not audible on V.C., we directed the Officer to remain present in the second session. Pursuant thereto, Mr. Sandip Randive, Senior Inspector of Police of R.A.K. Marg Police is present before us. When questioned, whether he was aware of the facts of the case in hand and the directions of the learned Magistrate, he disclosed to us that he learnt about the case and the order of the Magistrate, only today after he had gone through the papers.

9. We find it extremely disturbing that despite an order having being passed by the learned Magistrate directing

registration of an FIR in June 2024, till date no FIR has been registered by the R.A.K. Marg Police Station, for no valid reason. Since the FIR was not registered, the petitioner was constrained to file the aforesaid petition.

10. At this stage, learned Senior Police Inspector states that an FIR will be registered forthwith, latest by day after tomorrow, i.e. by **21.11.2024**.

11. Considering the manner in which the petitioner was constrained to run from pillar to post, seeking registration of an FIR despite there being an order of the learned Magistrate directing the Police to register an FIR, we deem it appropriate to direct the State Government to pay costs of Rs.20,000/- to the petitioner within four weeks from today.

12. In order to fix the responsibility on the officer responsible for the delay, we deem it appropriate to direct the DCP, Zone 4 to initiate Departmental Enquiry into the same and accordingly, recover the costs of Rs.20,000/- from the salary of the person/s responsible for the same.

13. Stand over to 17<sup>th</sup> December, 2024.

14. All concerned to act on authenticated copy of this order.

(PRITHVIRAJ K. CHAVAN, J.) (REVATI MOHITE DERE, J.)