

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

CRIMINAL WRIT PETITION (STAMP) NO.13552 OF 2024

Vaibhav Mohan Thakur & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Abhinandan Vagyani i/b Mr. Sumit Ashok Shinde for the
Petitioners

Mrs. Kranti T. Hiwrale, A.P.P for the Respondents-State

DCP Mr. Manish Kalwaniya, Zone-8 is present

ACP Mr. Hemant Sawant, Goregaon Division, is present

Sr. PI Mr. Sagar Shivarkar from Goregaon Police Station, is
present

API Mr. Atul Sanap from Goregaon Police Station, is present

API Mr. Ganpat Ganeshkar from Kherwadi Police Station,
Bandra (East), is present

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
THURSDAY, 17th OCTOBER 2024**

P.C :

1 Despite C.R. No. 490/2021 having been registered

with the Kherwadi Police Station, Bandra (East), Mumbai, in December 2021, it appears that till date, only 24 witnesses' statements have been recorded.

2 Learned A.P.P, on instructions, states that in the last month, 64 more persons have come forward. She, however, states that statements of none of the 64 persons have been recorded by the police, till date.

3 We request, the Deputy Commissioner of Police ('DCP') of Zone-8 to look into the same, as to why the investigation of C.R of 2021 is pending till date.

4 The complainant has a legitimate expectation that once the C.R. is registered, the same will be taken to its logical end, expeditiously. This legitimate expectation cannot be ignored. In this case, we find that there is lethargy on the part of the Officers in taking the investigation in the said C.R. to its

logical end. If there is delay in investigating the case, the complainant will loose faith in the system, which cannot be permitted. It is the responsibility of the police to file appropriate report expeditiously, once the FIR is lodged. Even in the present case, it was open for the police to file a charge-sheet and continue to investigate under Section 173(8) of the Criminal Procedure Code, which has not been done.

5 In this view of the matter, we direct the Additional Commissioner of Police (`Addl. C.P') of Western Region to look into the investigation carried out in C.R. No.490/2021, registered with the Kherwadi Police Station and inform us on the next date, the steps the Police intend to take in the said C.R to complete the investigation expeditiously.

6 The petitioner has alleged that 884 maps have been forged and construction of houses/bungalows have been shown as having been constructed prior to 1964. It is a serious matter and

requires to be investigated thoroughly and the Police need to go into the root of the matter. Instead, we find that the Police have been lackadaisical and have hardly done any investigation, for the reasons best known to them.

7 Learned counsel for the petitioner further states that despite the Assistant Commissioner of Police (`ACP') being made aware of the illegalities, the ACP has taken no action.

8 As far as the petitioner's statement dated 21st July 2023 made before the Goregaon Police Station is concerned, learned counsel for the petitioner states that after going through the maps relating to construction at Madh-Island, it has come to the notice of the petitioner that the majority of the maps have been manipulated to get exemption under the Coastal Regulation Zone (`CRZ') and to show that the structures are prior to 1964. He submits that despite the said statement/complaint being made before Goregaon Police Station, the Goregaon Police have done

nothing to look into the same. Learned counsel relied on the letter addressed by the Senior Inspector of Police, Goregaon Police Station, which is at page 642 of the petition.

9 Pursuant to our order dated 16th October 2024, ACP Mr. Hemant Sawant and Senior PI Mr. Sagar Shivarkar of Goregaon Police Station are present in Court. They state that they have forwarded the papers to the Controller of Slums (BSD Court), Mumbai, and after the report is received from the Controller of Slums, appropriate action will be taken.

10 Stand over to **23rd October 2024**. To be listed at 12:30 pm.

11 Considering the gravity and seriousness of the case in hand and the conduct of the officers, which we have seen after perusing the papers, we deem it appropriate to direct the Addl. C.P, Western Region, to remain present in Court on Wednesday

i.e. 23rd October, 2024 at 12.30 p.m.

12 ACP Mr. Hemant Sawant and Senior P.I Mr. Sagar Shivarkar of Goregaon Police Station, both to remain present in Court on the next date. Sr. P.I Mr. Dattatray Thopate to appear through VC.

13 Learned A.P.P to communicate this order to all concerned.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.