

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1887 OF 2022**

Sudhir Dhar and Ors.

.. Petitioners

V/s.

State of Maharashtra

.. Respondent

Mr. J.S. Anand a/w. Mr. S.N.Rai for Petitioners.

Mr. Ajay Patil, APP for Respondent-State.

Mr. Rajesh Patil, Senior Advocate a/w. Mr. Amol Kumeria i/b. Mr. Sameer Singh for Respondent No.2.

Mr. Manvir Pardeshi, PI, Dadar Police Station, Mumbai, present.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 19 AUGUST 2023.****PC. :**

1. This is yet another case wherein the Case Diary of the present crime has been maintained in contravention of Section 172(1-B) of Cr.PC., so also in utter disregard to the Circulars dated 09.01.2017 and 06.12.2018 issued by the Director General of Police, Maharashtra State.

It appears to us that, the Circulars issued by the Director General of Police, Maharashtra State, have not reached to the lower rank Officers of the Police Department in Maharashtra. On earlier at least three occasions, we have referred such cases to the Office of

the Director General of Police, Maharashtra State, however there is no improvement till date.

2. There is another facet to the present case. Paragraph No.3 of the Order dated 10.06.2022 reads as under:

“3. Hence at this stage we make it clear that the investigation in the present offence may go on; however, there shall be ad-interim relief in terms of prayer clause (c) which reads thus:-

(c) Pending the hearing and final disposal of the present petition, this Hon'ble Court be pleased to direct no coercive steps to be adopted against the Petitioners by the Respondent in FIR being C.R.No. 492 of 2022;”

3. It was thus abundantly made clear that, the investigation of the present crime may go on, however, no coercive steps were to be adopted against the Petitioners. Yesterday we were informed that, the said paragraph has been interpreted as ‘no investigation at all’ to be carried out further and therefore Investigating Officer has not taken the investigation to its logical end in last more than one year. We are aghast to hear such submissions. Paragraph No.3 of Order dated 10.06.2022 is in plain language and requires no further interpretation in that behalf.

4. In view of the above, we deem it appropriate to request the Director General of Police, Maharashtra State, to personally peruse the record of investigation, so also the Case Diary of the present crime which is maintained in the form of loose sheets and to adopt appropriate remedial measures as may be permissible under the provisions of law. It is expected from the Director General of Police,

Maharashtra State, the highest Authority of the Police Department in the State, to ensure that, at least the directions issued by his Office under his signature are followed by his subordinate officers and/or the lower rank Officers in its proper spirit, without giving any lame excuses.

This be done within a period of three weeks from today.

5. Stand over to 13th September 2023.

To be listed under the caption "For Reporting Compliance".

6. Ad-interim relief, if any, granted earlier to continue till then.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)