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

CRIMINAL WRIT PETITION (ST) NO. 11152 OF 2023

Sadhana O. Yadav and Anr

... Petitioners

vs.

Nasir Kulkarni and Ors

... Respondents

Dr. Uday P. Warunjikar a/w Mr. Vinay Rathi, Ms. Kaushalya Prajapati, Mr Anand Kate, Mr Anshuman Asare, Mr Ankur Pahade, for the Petitioners.

Mrs P.P. Shinde, A.P.P for the State.

Mr Prashant Kadam, DCP, Zone-IV present.

Mr Anil Paraskar, Addl C.P Central Region present.

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.**

DATED : 22nd JUNE, 2023

P.C. :-

1. The Petitioners are practicing Advocates, who have made serious allegations against the Police Officers of the Antop Hill Police Station, Mumbai. The Petitioners have filed a written complaint dated 20th May 2023 as against the said officers with respect to the alleged atrocities meted out to them. According to the Petitioner's, despite the said complaint, no FIR has been registered as against the said officers.

2. By this Petition, Petitioner seek the following substantive reliefs:

“ b. To issue a Writ in the nature of Mandamus, directing the Respondent Nos. 1A and 2 to register an C.R. under Sections 307, 355, 324, 323, 325, 326, 211, 336, 337, 338, 339, 340, 341, 342, 346, 352, 354, 357, 506(II), 509, 166, 166a, 201 r/w 120 B, 34 of the Indian Penal Code, 1860; and Section 25 of Maharashtra Police Act and Section 482 of Code of Criminal Procedure based on the complaint filed by the Petitioners against the Respondent No.1 and 2 and their subordinates of the Antop Hill Police Station who had brutally attacked on Petitioners the officers of the Court.

c. To direct the Respondent No.4/ State of Maharashtra to immediately the suspension of Respondent Nos. 1 and 2 and their subordinates involved in the brutal assault and illegal detention of the Petitioners.

d. To issue a writ in the nature of Mandamus or any other appropriate Writ or order directing the State of Maharashtra Respondent No.6 to appoint C.B.C.I.D. to investigate the brutal attack on Petitioners by the Respondent No.1 and his subordinates and to take appropriate action against them as per law within a time frame fixed.

e. To direct the Respondent Nos. 1A, 2 and 3A to give CCTV Footage as till date no CCTV Footage of Police

Station Building and outside premise has been given to the Petitioners even after RTI Applications made to the Police.

g. Cost of the Petition and compensatory cost be awarded to the Petitioners by saddling the same upon the Respondents.”

3. Matter was called out in the first session. Having heard the learned counsel for the Petitioners and the learned APP and having regard to the serious allegations made by the Petitioners, we thought it fit to keep the matter at 2:30 p.m i.e. second sessions with an oral direction to the DCP, Zone-IV to remain present at 2:30 p.m. Learned APP was also directed to take instructions having regard to the allegations made against the officers of the Antop Hill Police Station, whether the Petitioner's complaint dated 20th May 2023, could be investigated by any other police station from the very same zone.

4. Mr Prashant Kadam, DCP, Zone-IV appeared before us at 2:30 p.m. He states that the Petitioners complaint dated 20th May 2023 will be transferred to Matunga Police Station and that the same will be investigated by ACP, Matunga Division.

Considering the nature of allegations made, Mr. Kadam, DCP states that the same i.e. transfer of the Petitioner's complaint will be done forthwith during the course of the day. Mr Kadam, also states that the Antop Hill Police Station has 7 CCTV cameras in the police station and that the footage from all the 7 CCTV cameras from the period 18th May 2023 from 2:30 p.m to 19th May 2023 till 12:30 a.m will be retrieved and saved on a pen drive and that the said exercise will also be carried out during the course of the day.

5. We expect the ACP, Matunga division to whom the complaint dated 20th May 2023 has been transferred to impartially investigate the same. The DCP (Zone-IV) to supervise the said case.

6. Stand over to 3rd July 2023.

(GAURI GODSE, J.)

(REVATI MOHITE DERE, J.)