

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

CRIMINAL WRIT PETITION NO. 4990 OF 2014

Mohammed Ishtiaque Ebrahim Bagban ..Petitioner

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. J.G.Reddy for the Petitioner.

Mrs.U.V.Kejriwal, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JULY 13, 2015.**

P.C.

1. At the outset, learned Counsel Mr. Reddy restricts this petition to the reliefs claimed in prayer clauses (a) and (b). Prayer clauses (a) and (b) reads as under:-

“(a) This Honourable Court be pleased to issue writ of certiorari or any other appropriate writ, order of direction in the like nature under Article 26 of Constitution of India r/w. Sec. 482 of Cr.P.C. thereby quashing and setting aside the impugned FIR bearing

C.R.No.2014/2014 registered with MRA Marg Police Station, Mumbai for the offences alleged U/secs. 324, 323 & 504 of IPC and the subsequent charge sheet filed in the said FIR.

(b) This Hon'ble Court be pleased to issue writ of mandamus or any other appropriate writ, order of direction in the like nature under Article 226 of Constitution of India, thereby directing the Commissioner of Police, Mumbai to transfer the investigation of FIR No.170/2014 registered with Sir J.J.Marg Police Station on 18.8.2014 for offences U/sec. 392 and 34 of IPC to CID."

2. As far as the relief claimed in prayer clause (a) is concerned, the learned APP states and the learned Counsel for the applicant does not dispute that chargesheet in C.R.No.214/2014 registered at MRA Marg Police Station is already filed. In view of this statement, the petitioner has alternate remedy to file application for discharge. Therefore, we are not inclined to grant this prayer.

3. So far as the relief claimed in prayer clause (b) is concerned, learned APP makes a statement, upon instructions from the officer present in the court that the accused named in FIR No.170/2014 are

already arrested and the muddemal articles are seized. The investigation is completed, chargesheet is ready and it will be filed within two weeks. In view of the statement, no case is made out for transfer of investigation.

4. In view of above, petition is dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)