

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4310 OF 2016

AMIR KHAN SURI

)...PETITIONER

V/s.

STATE OF MAHARASHTRA AND ORS.

)...RESPONDENTS

Mr.B.P.Pandey a/w. Mr.Shishir Pandey i/b. Mr.Vivek Pandey,
Advocate for the Petitioner.

Mr.J.P.Yagnik, APP for the Respondent - State.

**CORAM : RANJIT MORE &
A. M. BADAR, JJ.**

DATE : 19th DECEMBER 2016.

P.C. :

1 Heard Mr.B.P.Pandey, learned counsel for the
petitioner, and Mr.J.P.Yagnik, learned APP. The petition is filed
under Article 226 of the Constitution of India to quash and set
aside the order dated 7th October 2016 passed by the Deputy
Municipal Commissioner, Zone V. By the said order, the
investigation into C.R.No.223 of 2016 is transferred from Dadar
Police Station to Vinobha Bhave Nagar Police Station.

2 The counsel for the petitioner alleged that investigation into C.R.No.223 of 2016 is transferred at the instance of respondent no.2 – Additional Commissioner of Police, in order to help the accused. Mr.Yagnik, learned APP, placed on record report dated 19th December 2016 by Police Inspector, Vinobha Bhave Nagar Police Station along with petitioner's representation and submitted that investigation into the subject C.R. was transferred at the instance of petitioner.

3 We have gone through the petitioner's representation annexed with the report dated 19th December 2016, whereby that petitioner never represented to transfer the investigation into the subject C.R. to Vinobha Bhave Nagar Police Station. On the contrary, petitioner's representation was that not to transfer investigation into subject C.R. from Dadar Police Station to Vinobha Bhave Nagar Police Station.

4 Mr.Yagnik, learned APP could not point out any circumstance under which the investigation of the subject C.R. is

transferred to Vinobha Bhave Nagar Police Station. Admittedly, the offence is alleged to have been committed within the territory of Dadar Police Station. Therefore, the said FIR must be investigated by Dadar Police Station.

5 We find that transfer of the investigation of subject C.R. to Vinobha Bhave Nagar Police Station is without any justifiable reason. We, accordingly, set aside the impugned order.

6 We direct Dadar Police Station to investigate the subject C.R., namely C.R.No.223 of 2016. Consequently, we also direct Senior Police Inspector of Vinobha Bhave Nagar Police Station to hand over the investigation papers into the subject C.R. to Dadar Police Station.

7 Subject to above, the petition is allowed accordingly.

(A. M. BADAR, J.)

(RANJIT MORE, J.)