

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 823 OF 2017**

Monaz Mehta

....Petitioner

versus

The State of Maharashtra and anr.

....Respondents

Mr. Archit Jayakar i/b.Jayakar and Partners, advocates for the petitioner.
Mr. J. P. Yagnik, learned APP for the State.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE : 15th JUNE, 2017.

P. C. :

Heard the learned counsel for the petitioner and learned APP
appearing for the respective parties.

2. The petitioner is a complainant in the subject FIR viz. CR No.118 of 2016 registered with Cuffe Parade Police Station for the offences punishable under Sections 420, 406, 465, 468 and 471 read with Section 34 of the Indian Penal Code, 1860. By the said petition, the petitioner is seeking directions to transfer the investigation of the subject FIR to any other police station or the State CID.

3. Mr. Yagnik, learned APP, on instructions, states that the investigation into the subject CR is already completed and, thereafter, the Investigating Officer has filed "B" Summary Report before the Metropolitan Magistrate, 23rd Court at Esplanade, Mumbai. In support of his statement, he has tendered a report dated 15th June, 2017, of the ACP, Cuffe Parade Police Station. The said report is taken on record. It supports the contention of the learned APP.

4. In the light of the above, the relief claimed in the petition cannot be granted at this stage. The writ petition is, accordingly, dismissed.

5. It is expressly made clear that the learned magistrate shall decide the "B" Summary Report independently on its own merits and without being influenced by the present order. Needless to mention that the petitioner is always at liberty to challenge the outcome of the "B" Summary Report before an appropriate forum, in the event, the same is adverse to her interests. In the event, the protest petition is granted, the petitioner is at liberty to approach this Court afresh for the reliefs claimed in the present petition.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]