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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1544 OF 2016

M/s. Sweet Angel Home Builders .Applicant

Vs.

The State of Maharashtra & ors. .Respondents

Mr. S. V. Marwadi a/w Mr. R. P. Thakkar, Advocate, for the Applicant
Mr. H. J. Dedhia, APP, for the Respondent No. 1 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 11.01.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant has impugned the Order dated 24.10.2016 passed by the learned Metropolitan Magistrate, 67th Court, Borivali, Mumbai in C.C. No. 314 / PW / 2013, by which the Applicant's Application for further investigation under Section 173(8) of the Code of Criminal Procedure (for short “Cr.P.C.”) came to be rejected.

3. Perused the papers as well as the impugned order. Admittedly, the Application (Exh. 2) seeking transfer of investigation

and further investigation was filed by the Applicant (Original Complainant). In view of the Judgments of the Apex Court in the case of ***Reeta Nag Vs. State of West Bengal & ors.***, reported in ***2010 ALL MR (Cri.) 1337 (S.C.)*** and ***Amrutbhai Shambhubhai Patel Vs. Sumanbhai Kantibhai Patel & Ors,*** reported in ***(2017) 4 SCC 177***, an Application for further investigation under Section 173(8) of Cr.P.C. is not maintainable at the behest of the de-facto Complainant. The learned Magistrate has rightly rejected the said Application and hence no interference is warranted in the said order in writ jurisdiction.

4. Accordingly, the Application is rejected.

(REVATI MOHITE DERE, J.)