

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

CRIMINAL WRIT PETITION NO.2631 OF 2019

Sandeep Janardan Kocharekar

..Petitioner

V/s.

The State of Maharashtra & Ors.

.. Respondents

Mr.Ganesh S. Patil for the Petitioner.

Mr.K.V. Saste, APP for the Respondent-State.

Mr.V.V. Purwant for Respondent No.2.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 24th JUNE 2019

P.C.

1. Not on board. Taken on board.

2. Heard.

3. The petition is filed seeking direction to the State to transfer the investigation in C.R. No.I-27 of 2017 registered with Tilak Nagar Police Station. The said FIR is registered at the instance of Police Inspector Jaganath Nathaji Ahire against one Rekha who is accused of abating suicide of her mother-in-law.

4. The allegation in the FIR that the accused wife returned home late from the office and a verbal altercation took place

between her and the petitioner who is husband and his deceased mother-in-law intervened. It is stated that the mother in law is responsible for the quarrel between the husband and the wife and the mother-in-law who felt agitated set herself on fire and expired while taking treatment in the hospital.

5. The investigation in the said FIR is completed and charge-sheet is filed under Section 306 against Rekha Kocharekar and even charge is also framed under Section 306 of the Indian Penal Code by the Sessions Court at Kalyan.

6. The accused Rekha Kocharekar had approached this Court by filing Criminal Application No.305 of 2018 challenging the framing of the charge. We had dismissed the said application on the ground that trial has already begun and we refuse to invoke inherent jurisdiction under Section 482 of Cr.P.C. As far as the present petition is concerned, it seeks transfer of investigation, which we are not inclined to grant, since the charge-sheet is already filed and the trial is in advance stage. Hence, we refuse to grant any indulgence and dismiss the petition.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)