

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

WRIT PETITION NO.1511 OF 2022

**PRIYA
RAJESH
SOPARKAR**

Balalakhandar Pallu Bhardwaj

... Petitioner

V/s.

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by PRIYA RAJESH
SOPARKAR

Date: 2022.07.12
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The State of Maharashtra and anr.

... Respondents

Mr.Akhilak H. Khan, Advocate for the Petitioner.

Mr.J.P.Yagnik, APP for Respondent No.1/State.

CORAM : NITIN JAMDAR AND

N.R. BORKAR, JJ.

DATE : 5 JULY 2022.

P.C.:-

1. Heard learned counsel for the parties.
2. By this petition, the Petitioner is seeking to quash the FIR No. 782 of 2021 dated 15th December, 2021 registered at MHB Colony Police Station, Mumbai. In the alternative, Petitioner prays that the investigation of the crime be transferred to other police Station.
3. As regards to the prayer for quashing of the FIR is concerned, we note that the FIR is lodged under sections 326, 323, 504, 506, 506(2) of the Indian Penal Code. The complainant has stated that on

14th December, 2021 at 8.30 p.m. the Petitioner assaulted the Respondent-complainant with a bamboo stick. The complainant has narrated the earlier incident in the complaint. The learned APP states that there are eye witnesses to the incident and the injury certificate is on record, which shows that injury was grievous. Having considered the record it cannot be said that no offence is disclosed at all by the perusal of the FIR and statement. This cannot be considered as an exceptional case for exercise of extra ordinary jurisdiction.

4. As regards the prayer for transfer of investigation, learned counsel for the Petitioner submitted that residents of locality have written letters in his support. It is rightly pointed out by the APP that prayer for transfer of investigation, at the behest of accused it is not ordinarily granted. The statement of witnesses are that the Petitioner exhibits criminal tendency and people of the locality are scared. In that context, so called letters of support of the resident will have to be viewed. Learned APP also states that the Petitioner is absconding in this case and in other cases, and charge-sheet is accordingly filed.

5. Considering these circumstances, no case is made out for grant of either of the reliefs.

6. Writ Petition is rejected.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)

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