

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

CRIMINAL WRIT PETITION NO.2348 OF 2022

Shabnam Shahbuddin Rain ...Petitioner
Versus
State of Maharashtra and Ors. ...Respondents

Mr. Gaurav Bhawnani, for the Petitioner.

Ms. P. P. Shinde, A.P.P for the Respondents.

API – Dattatray Yadav of Kalwa Police Station, Thane, is present.

***CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.***

DATE : 28th JULY 2022

P.C. :

1. Heard learned counsel for the parties.
2. By this petition, the petitioner has sought the following substantive relief:-

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- “a. This Hon’ble Court may graciously be pleased to allow the present Petition and issue a Writ of mandamus/ a Writ in the nature of mandamus/ any other Writ, direction or order and direct the Respondent No. 2 to withdraw the investigation of

C.R. No. 195 of 2022 of Kalwa Police Station at Exhibit A herein from the file of Respondent No. 1 and to transfer the said investigation of C.R. No. 195 of 2022 of Kalwa Police Station to the Crime Branch, Thane or any other police station other than Respondent No. 1.”

3. Learned Counsel for the petitioner submits that the petitioner has filed a private complaint, in the Court of the learned Judicial Magistrate First Class, at Thane, being Criminal Miscellaneous Application No.1074 of 2021, as against the security guards including one police sub-inspector – Girish Ananda Yadav and one Medical Officer. He submits that the learned Judicial Magistrate First Class in the said private complaint filed by the petitioner, has passed an order under Section 156(3) of the Code of Criminal Procedure vide order dated 25th April 2022 and as such has directed the Officer Incharge of Kalwa Police Station to register an FIR against accused Nos.1 to 8 in the said complaint, for the offences punishable under Sections 201, 323, 341, 352, 354, 409, 506 r/w 34 , 109, 120-B of the Indian Penal Code. The grievance of the petitioner is that the case has been investigated by Kalwa Police Station, in which one of the accused is serving as a police sub-inspector.

4. Today, the learned APP has tendered a report of the Kalwa Police Station dated 14th July 2022. The said report is taken on record. As per the said report, it appears that the DCP, Zone – 1, Thane will be transferring the investigation in the said case to Naupada Police Station. Learned APP, on instructions, states that the same will be done within one week from today. Statement accepted.

5. In view of the grievance of the petitioner having been redressed, nothing survives for consideration in the present petition.

6. Petition is accordingly disposed of.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.