

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4554 OF 2022**

Satyajit Sangam Shinde & Ors.

.....Petitioners.

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. S.B. Patil for the Petitioners.

Mr. Ajay Patil APP for the Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.
DATE : 16th DECEMBER, 2022.**

P.C.:-

1) By the present Petition, the Petitioners who are accused in Crime No.9 of 2022 registered with Trombay Police Station, Mumbai have prayed for following substantive reliefs-

“a) That this Hon’ble Court be pleased to quash and set aside the impugned communication/order dated 21st April, 2022 issued by the Respondent no.1 Additional Commissioner of Police, Parimandal- 6, Chembur, Mumbai.

b) That this Hon’ble Court be pleased to direct the Respondent no.1 to transfer the investigation of F.I.R. dated 8th January, 2022 bearing C.R. No.9 of 2022 from Bibvewadi Police Station, Pune to Trombay Police Station, Mumbai.”

2) Record indicates that, by communication dated 21st April, 2022 (sic 21st May, 2022), the Deputy Commissioner of Police, Zone-6, Chembur, Mumbai had transferred the said crime to Bibvewadi Police Station, Pune for further investigation. It appears that, the said transfer was effected at the request of first informant and her family members. Admittedly, the Petitioners are accused in the said crime.

3) Learned Advocate for the Petitioner submitted that, the said crime be re-transferred to Trombay Police Station as the Petitioners are residing in the jurisdiction of Trombay Police Station. That, matrimonial cases are pending in the Court at Mumbai. That, if the said offence is permitted to be further investigated at Bibvewadi Police Station, Pune, it will file charge-sheet in the Court of J.M.F.C., Pune and in that event, the Petitioners will have to go to Pune to attend the said case. Various other submissions which are not germane for deciding the present Petition were also advanced across the bar and therefore the same are not recorded further.

4) It is the settled position of law that, the Accused has no right to have any say as regards the manner and method of investigation. The accused has no participation as a matter of right during the course of the investigation of a case instituted on a police report till the investigation culminates. That, the accused cannot choose investigation agency as per his own choice. It is trite law that accused persons do not have a say in the

matter of appointment of an investigation agency. The accused persons cannot choose as to which investigation agency must investigate the alleged offence committed by them. Displeasure of the accused person about the manner in which investigation proceeds or an unsubstantiated allegation of a conflict of interest with the police conducting the investigation must not derail the legitimate course of law and warrant extraordinary power of this Court to exercise writ jurisdiction. Reliance is placed on following Judgments:-

- “(i) *Union of India Vs. W. N.Chadha reported in AIR 1993 SC 1082;*
- (ii) *Divine Retreat Vs. State of Kerala reported in AIR 2008 SC 1614;*
- (iii) *Narmadabai Vs. State of Gujrat reported in 2011 ALL SCR 1339 = AIR 2011 SC 1804;*
- (iv) *Sanjiv Rajendra Bhatt Vs. Union of India & Ors., reported in (2016) 1 SCC 1.*
- (v) *Romila Thapar Vs. Union of India & Ors., reported in (2018) 10 SCC 753;*
- (vi) *Arnab Ranjan Goswami Vs. Union of India & Ors., reported in (2020) 14 SCC 12.”*

6) In view of above, we find that the present Petition as filed is sheer abuse of process of law.

Petition is dismissed *in limine*.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)