

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

CRIMINAL WRIT PETITION NO.2236 OF 2025

Kalpana Nivrutti Gondake @ ... Petitioner
Kalpana Ramesh Mukane

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Harshad M. Inamdar for the Petitioner

Mr. V. B. Konde Deshmukh, Addl. P.P for the Respondent
Nos.1 to 3-State

None for the Respondent Nos. 4 and 5

PI Mr. S. S. Avhad from Sarkarwada Police Station, Nashik City,
is present

**CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.
MONDAY, 28th APRIL 2025**

P.C :

1 By this petition, the petitioner seeks transfer of
investigation of C.R. No. 316/2024 registered with the
Sarkarwada Police Station, Nashik, to any other independent
agency.

2 Perused the petition. On 4th March 2025, in a petition filed by the very petitioner i.e. Criminal Writ Petition (Stamp) No.15841/2024, this Court (Coram: Revati Mohite Dere & Dr. Neela Gokhale, JJ.) had passed the following order:

“1) By this Petition, the Petitioner seeks a direction to the Respondent No.2-Senior Police Inspector, Sarkarwada Police Station, Nashik to register an FIR on the basis of the Petitioner’s complaint dated 4th July 2024.

2) Post the filing of this Petition, the police registered an FIR on 12th December 2024. Since according to the learned counsel for the Petitioner, the FIR was not in consonance with the Petitioner’s statement, the Petitioner’s statement was recorded again. After recording of the said statement, about eight persons have been arraigned as accused in the said FIR.

3) Today, Mr. Saste, learned Additional Public Prosecutor, on instructions, states that the provisions of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 have been invoked on 2nd March 2025.

4) Since the grievance of the Petitioner stands redressed, nothing survives for further consideration in the Petition.

5) *The Petition is accordingly, disposed off.”*

3 The said order is at Exhibit `B' at page 21 of the petition. Mr. Konde Deshmukh, learned Addl. P.P, on instructions, states that investigation is going on and that the accused persons have filed anticipatory bail applications before the concerned courts and that one application was rejected only on 26th April 2025 by the Sessions Court and applications preferred by three accused are pending. He states that though the police are investigating the matter, only to put pressure on the police, the present petition is filed, despite the police taking steps in the case in hand. He states that within approximately a month of filing the earlier petition, the present petition is filed seeking transfer of the FIR.

4 *Prima facie*, we find some substance in the submission advanced by the learned Addl. P.P. On 4th March 2025, we had

passed the aforesaid order and the present petition was filed on 9th April 2025. It appears that the petitioner is filing petitions without giving even an opportunity to the police to investigate the case properly. Mr. Konde Deshmukh further submits that since the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are invoked, the Deputy Commissioner of Police concerned will monitor the case in hand. Statement accepted.

5 Considering the aforesaid, as of today, there is no merit in the petition seeking transfer of investigation. Petition is accordingly disposed of.

DR. NEELA GOKHALE, J.

REVATI MOHITE DERE, J.