

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3133 OF 2025**

1. Mr. Ashok Bajrangi Nirmal	]	
Aged-52, Occ- Auto driver	]	
2. Krishna Ashok Nirmal	]	
Aged-31, Occ: Private Service	]	
3. Manisha Ashok Nirmal,	]	
Aged-28, Occ: Private Service,	]	
All residing at Room No.253/B,	]	
Indra Nagar, Juhu Tara Road,	]	
Santacruz (West), Mumbai – 400054	]	 Petitioners.
V/s		
1. The State of Maharashtra,	]	
at the instance of Santacruz Police	]	
Station.	]	
2. Jaipal Chothiram Jaiswal,	]	
Aged- 50 years, Occ: Florist.	]	
3. Suraj Jaipal Jaiswal,	]	
Age 22 years, Occ: Florist	]	
4. Akash Jaipal Jaiswal	]	
Aged- 20 Occ: Florist	]	
All the respondent nos.2 to 4 having	]	
residence address at Room No.252/A,	]	
Indra Nagar, Juhu Tara Road,	]	
Santacruz (West), Mumbai-400054	]	
5. Suraj @ Pawan Mulekar,	]	
Aged-22 years, Occ: Not known	]	
having residence address at Indra	]	
Nagar, Juhu Tara Road,	]	
Santacruz (West), Mumbai-400054	]	
6. Rohan Achelal Jaiswal	]	
Aged-21 Occ: Not known	]	
having residence address at Indra	]	
Nagar, Juhu Tara Road	]	
Santacruz (West), Mumbai-400054	]	

7. Smt. Nirmala Jaiswal]
Aged-45, Occ: Housewife,]
having residence address at Indra]
Nagar, Juhu Tara Road,]
Santacruz (West), Mumbai-400054]Respondents.

Mr. Jitendra R. Gautam for the petitioners.

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

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 25TH SEPTEMBER 2025.

PER, GAUTAM A. ANKHAD, J.

The petitioners have filed the present petition seeking transfer of investigation in respect of FIR No.355 of 2025 dated 18th April 2025 under sections 3(5), 118(1) and 352 of the Bharatiya Nyaya Sanhita, 2023 (in short, BNS) registered at Santacruz Police Station to a Special Investigation Team to investigate the offences. It is the petitioners' case that the name of the main accused is not added by the Investigating Officer. It is further alleged that the Investigating Officer has not charged the accused under sections 109 and 117 of the BNS. It is in these circumstances that the petition has been filed.

2. We have heard Mr. Jitendra Gautam, learned advocate for the petitioners, and perused the record. The alleged incident took place on 17th April 2025, while the present petition seeking transfer has been filed on 6th June 2025. During the hearing, several queries were put to the learned advocate, to which no satisfactory response was forthcoming. Independent of that, on examining the complaint, we find no material to justify transferring the investigation to a Special Investigation Team. The FIR was lodged promptly, on the very next

day of the incident. We are informed that the charge-sheet is yet to be filed. It is well settled law that the power to transfer an investigation must be exercised sparingly and only in exceptional circumstances, where such transfer is necessary to ensure credibility and inspire public confidence. Otherwise, Special Investigating Teams and Agencies, with their limited resources, would be overburdened with a multitude of cases, making it impossible for them to effectively deal with truly serious matters. If the petitioners are aggrieved that certain persons have not been arraigned as accused or that particular sections have not been invoked in the FIR, it is open to them to avail of remedies at an appropriate stage under the Bharatiya Nagarik Suraksha Sanhita, 2023. These issues require detailed inquiry, which falls within the jurisdiction of the Trial Court. We therefore find no case for invoking extraordinary jurisdiction under Article 226 of the Constitution of India. Accordingly, Writ Petition No. 3133 of 2025 stands dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

BHARAT
DASHARATH
PANDIT

Digitally signed by
BHARAT
DASHARATH PANDIT
Date: 2025.10.08
13:44:28 +0530