

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

CRIMINAL WRIT PETITION NO.6271 OF 2025

BASAVRAJ
GURAPPA
PATIL
Digitally
signed by
BASAVRAJ
GURAPPA
PATIL
Date:
2025.12.25
10:53:12
+0530

XYZ

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

...

Mr. Suraj Dassaialmeda a/w. Ms. Ayushi Ghai i/b.
Kunal Nadge, Advocates for the Petitioner

Mr. J. P. Yagnik, Additional Public Prosecutor for
Respondent No.1 State.

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

DATE : 16th DECEMBER 2025

P.C. :

The petitioner seeks transfer of investigation in First Information Report No.1313 of 2025 registered on 23rd October 2025 at Malvani Police Station, Mumbai under section 69 and 351(2) of the Bharatiya Nyaya Sanhita, 2023 to an independent agency such as the Crime Investigation Department (CID), Special Investigation Team (SIT) or the Central Bureau of Investigation (CBI).

2. Mr. Suraj Dassaialmeda, the learned counsel for the petitioner states that the statement of the petitioner was recorded by a male officer in Marathi language which is not in the spirit of section 161 of the Code of Criminal Procedure, 1973. He states that the investigation so far is conducted with manifest bias and in violation of the mandatory procedure. The Investigating Officer lacks gender sensitivity which resulted into grave injustice and prejudice to the petitioner. The identity of the petitioner and her personal details (including her name, residential address and family particulars) were disclosed in Anticipatory Bail Application No.1526 of 2025. He further states that the CCTV footage from the hotel was tampered

with by the accused and the hotel owner did not provide access to the CCTV footage.

3. This is not in dispute that after registration of the crime, the supplementary statement of the petitioner was recorded on 28th October 2025. As to the destruction of evidence or insensitivity of the Investigating Officer, the petitioner did not make any complaint before the Court concerned. If the identity of the petitioner was disclosed by the accused–respondent no.4 in the Anticipatory Bail Application No.1526 of 2025, a copy of the order passed in that application is not brought on record. It was open to the petitioner to take such objections before the Sessions Court at Dindoshi. Without availing of such options and opportunities, the petitioner seeks an order for transfer of investigation. On the mere ground that the petitioner is not happy with the investigation, the First Information Report No.1313 of 2025 cannot be entrusted for investigation to the CID, SIT or CBI or any other independent agency. The submissions made and allegations made by the petitioner are not verifiable and/or truth of which cannot be ascertained in a writ proceeding. Even assuming that the allegations made by the petitioner are correct, she has a remedy in law by filing a complaint case after the charge-sheet/final form is filed in the Court.

4. Though we are not inclined to entertain this writ petition for the aforesaid reasons, we would permit the petitioner to make appropriate application before the Court concerned. Writ Petition No.6271 of 2025 is disposed of with the aforesaid liberty to the petitioner.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]