

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

CRIMINAL WRIT PETITION NO.87 OF 2026

**BASAVRAJ
GURAPPA
PATIL**

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Date: 2026.03.05
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Natasha Noshad Sheikh

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

...

Ms. Heena Shaikh, Advocate for the Petitioner

Mr. K. V. Saste, Additional Public Prosecutor for the
Respondent No.1-State

Mr. Hasan Sayed a/w. R. A. Shaikh and Mr.
Anupam Sharma, Advocates for Respondent Nos.2
and 3

Mr. Anand Mishra i/b. Mr. Ashok Saraogi, Advocates
for Respondent Nos.4, 5, 7 and 8.

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

DATE : 9th FEBRUARY 2026

P.C. :

The petitioner who claims that she has been authorised on behalf of her husband and father-in-law who is the owner in respect of Flat Nos.3 and 9 and Shop No.8 and is a member of Malad Lucky Cooperative Housing Society Limited situated at Kurar Village, Malad (East), Mumbai-400097 is seeking a direction upon the respondent no.1 to add an offence under section 316 of the Bharatiya Nyaya Sanhita, 2023 in First Information Report No.861 of 2025. She is also seeking a direction to transfer the investigation to the Economic Offences Wing, particularly, in view of the magnitude of the fraud and involvement of multiple accused persons.

2. Ms. Heena Shaikh, the learned counsel for the petitioner refers to various paragraphs under the development agreement and submits that the accused persons committed forgery and submitted a forged redevelopment agreement. However, the Investigating Officer is not taking cognizance of the commission of several other cognizable offences and, therefore, a direction may be issued to the respondent no.1 as prayed for in this writ petition. The learned counsel for the petitioner has also tendered a copy of the invoice dated 28th May 2014 and submitted that the development agreement is apparently a forged document.

3. Mr. K. V. Saste, the learned Additional Public Prosecutor states that the matter is still under investigation. Mr. Anand Mishra, the learned counsel appears for the respondent nos.4, 5, 7 and 8 and takes a serious objection to the maintainability of the writ petition.

4. The investigation in a criminal case is within the exclusive domain of the police and no interference with the investigation is permissible [Refer : “*State of Bihar & Anr. v. J.A.C. Saldanha & Ors.*” (1980) 1 SCC 554] The writ Court in exercise of the powers under Article 226 of the Constitution of India, therefore, shall not interfere in the matters where the allegations are still under investigation. The writ Court has no powers to issue direction to the Investigating Officer to add a particular offence or ascertain accused person. There is adequate remedy to the aggrieved complainant after a charge-sheet is laid in the Court.

5. For the aforementioned reasons, Writ Petition No.87 of 2026 is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]