

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

CRIMINAL WRIT PETITION NO.317 OF 2026

Pawan Mahendra Kaushik,	]	
R/o. Adarsh Colony, Nimbahera,	]	
Chittaurgarh, Rajasthan	]	.. Petitioner
<i>Versus</i>		
State of Maharashtra,	]	
Through Azad Maidan Police Station, Mumbai	]	.. Respondents

Mr. Siddharth Jha, Advocate, i/by Law Global, for the Petitioner.
Mr. K.V. Saste, Additional Public Prosecutor for the Respondent-
State of Maharashtra.

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

DATE : 30TH JANUARY 2026.

PER, GAUTAM A. ANKHAD. J.

The petitioner has filed this petition seeking transfer of investigation concerning First Information Report no.150 of 2017 registered with the Azad Maidan Police Station, Mumbai to any independent agency like the State Criminal Investigation Department/Crime Branch/Central Bureau of Investigation and for registration of a separate case against police officers for assault, illegal detention and fabrication of material against the petitioner.

2. Mr. Jha, the learned counsel appearing for the petitioner submits that the petitioner had taken a taxi ride along with his colleague Harsh Lohia on 14th May 2017 which resulted in an altercation. The police was called and it is alleged that a false First Information Report bearing No.150 of 2017 has been registered by

the police under sections 353, 332, 427, 504, 506 read with section 34 of the Indian Penal Code as well as under section 85 of the Maharashtra Liquor Prohibition Act on complaint by a police constable attached to the Azad Maidan Police Station. He submits that the impugned investigation ought to be transferred as there is a conflict of interest since the complainant is a police constable attached to the Azad Maidan Police Station.

3. Having heard the learned counsel for the parties, we find no merit whatsoever in this petition. Admittedly, the charge-sheet is already filed on 14th June 2017 in the matter. For an incident that occurred on 14th May 2017, this petition is filed on 19th December 2025. It is settled law as held by Hon'ble Supreme Court in "*Sujatha Ravi Kiran v. State of Kerala*"¹ that power of transferring investigation must be exercised only in rare and exceptional cases when there is lack of confidence in investigating agency or in national interest and for doing complete justice in the matter. Where the investigation has already been completed and charge-sheet has been filed, ordinarily writ Courts should not reopen investigation and it should be left open to concerned Court where the charge-sheet has been filed to proceed with the matter according to law. Depending on the stage of the trial, the petitioner has an efficacious remedy under the Bharatiya Nagarik Suraksha Sanhita 2023. The allegation of conflict of interest is equally devoid of merit. A mere apprehension that the complainant is a police constable attached to the investigating police station cannot by itself justify transfer of investigation. In the present case, there is no material on record to indicate that the investigation by the State police is tainted, perfunctory or lacking in *bona fides*.

1 (2016) 7 SCC 597

4. Criminal Writ Petition No.317 of 2026 is devoid of merits and is dismissed without costs.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]