

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

WRIT PETITION NO.4618 OF 2025

Roslin Anitha Mary Selvakumar & Ors. .. Petitioners.
Vs.
Senior Police Inspector, .. Respondents
Naupada Police Station & Ors.

Mr. Mayur D. Sapkale for Petitioners.
Mrs. M.M. Deshmukh, I/c PP a/w Mr. J.P. Yagnik, Additional GP for State-
Respondent No. 1.

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

DATE : 18th FEBRUARY 2026.

P.C. :

This writ petition is filed for the following reliefs :

“a) This Hon’ble Court may be pleased to transfer the investigation of FIR No.819 of 2024 dated 30/06/2024 from Naupada Police Station, Thane West to CBI, CID, or any other investigating agency in order to carry out effective and speedy legal proceedings against the Accused.

b) Any other reliefs or directions or orders as this Hon’ble Court may deem fit in the public interest and interest of justice may be passed.”

2. It is the petitioners’ case that the accused persons had represented themselves to be builders/developers of real estate project under the name Divyamtej Buildcon Pvt. Ltd. and Land Experts. The petitioners cumulatively made certain payments for booking of the flats and executed Memorandum of Understanding for the same. Shortly thereafter, the petitioners learnt that the said accused persons were not developers and had no authority to sell the flats or land of the building which were shown to the petitioners. The petitioners, thus, lodged FIR No.819 of 2024 dated 30th June 2024 with Naupada Police Station, Thane under section 420 of the Indian Penal Code, 1860. It is pleaded that after filing of the said FIR, the

accused persons handed over certain cheques for repayment of the booking amounts to the petitioners in the presence of police authorities. However, the same have been dishonoured.

3. Mr. Mayur D. Sapkale, the learned counsel for the petitioners states that the investigation in FIR. No.819 of 2024 has not progressed and the accused persons have not been arrested by the Investigating Officer. The learned counsel for the petitioners further states that the accused persons have given an undertaking of repayment in presence of the police officer yet no action was taken by the Investigating Officer.

4. We have heard the learned counsel and find that no case has been made out for transfer of investigation. The transfer of investigation from the State police to any other agency is not a matter of course. Any order directing transfer of investigation from the State police may have serious effect on the morale of the State police and, therefore, such orders are generally not passed in exercise of the jurisdiction under Article 226 of the Constitution of India except where extraordinary case has been made out and it is demonstrated that high rank police officers are involved.

5. The petitioners have a remedy available in law for seeking refund of the amounts as well as for taking action against dishonour of cheques. Granting such liberty to the petitioners to adopt appropriate legal proceedings, Writ Petition No.4618 of 2025 is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

BHALCHANDRA
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