

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

CRIMINAL WRIT PETITION NO.5508 OF 2025

Aajessh Rameshbai Patel,]
R/o. Bardoli, Surat Rural, Gujarat] .. Petitioner

Versus

1. Union Territory of Dadra & Nagar]
Haveli & Daman and Diu]
Through Coastal Police Station,]
Kadaiya, Daman]
2. Inspector General of Police,]
Union Territory of Dadra & Nagar]
Haveli & Daman and Diu]
3. The Superintendent of Police,]
Kadaiya, Nani Daman]
4. The Investigating Officer - C.R. No.39/2025,]
Kadaiya Police Station, Nani Daman]
5. The State of Maharashtra] .. Respondents

ALONG WITH

INTERIM APPLICATION (STAMP) NO.23699 OF 2025

1. Ankush Singh]
2. Krishnavijay Gohil]
3. Jatin Kumar Patel]
4. Ramdev Singh Jadeja]
5. Vishal Mir]
6. Vikas Rajput]
7. Dhanji Dubriya]
8. Chintan Arvindbhai Desai] .. Applicants/
9. Dilip Bhaylu Gavit] Interveners

Mr. Varun V. Thokal, Advocate for the Petitioner.

Mr. Ashwin Thool with Mr. Ayush Singh, Advocates for Respondent Nos.1 to 4.

Mr. K.V. Saste, Additional Public Prosecutor for Respondent No.5-State of Maharashtra.

Mr. Afsar Ansari with Mr. Vivek Pandey and Mr. Shambhu Jha, i/by Mr. Vivek Pandey, Advocates for the Applicants-Interveners.

Mr. Sebastian Devasia, Investigating Officer, is present in Court.

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

DATE : 29TH JANUARY 2026.

PER, GAUTAM A. ANKHAD, J.

The petitioner claims to be the first informant/victim in FIR No.39 of 2025 registered at the Coastal Road Police Station, Kadaiya, Daman. By the present petition, the petitioner seeks transfer of the investigation to an independent agency such as the Central Bureau of Investigation for a fresh and impartial inquiry.

2. The FIR records that on 25th August 2025 at around 11:30 a.m., the complainant along with his two friends had gone from Surat to Daman for a party and a holiday. They purchased four cartons of Budweiser Magnum Beer, one carton of Tuborg Beer, three cartons of Kingfisher Beer and one carton of Breezers. They were apprehended by the police and the petitioner alleges that bribes were demanded and that he and his companions were assaulted, leading to the registration of the FIR. Mr. Thokal, the learned counsel for the petitioner submits that the accused in the said FIR are high-ranking police officers and there is a high probability that they may misuse their position to influence the investigation.

3. Mr. Saste, the learned Additional Public Prosecutor on instructions, states that the investigation has since been completed and a charge-sheet has been filed before the learned Judicial Magistrate First Class, which is registered as R.C.C. No.177 of 2025. He submits that the writ petition is not maintainable and an efficacious statutory remedy is available to the petitioner.

4. We are unable to agree with the above submissions of the petitioner. The parameters governing transfer of investigation to the CBI are well settled. In *“Sujatha Ravi Kiran v. State of Kerala”*¹

¹ (2016) 7 SCC 597

it was held by the Hon'ble Supreme Court that the extraordinary power of the constitutional courts in directing CBI to conduct investigation in a case must be exercised rarely and in exceptional circumstances, when there is lack of confidence in the investigating agency or in the national interest and for doing complete justice in the matter. A mere apprehension that the accused are influential cannot, by itself, justify transfer of investigation. In the present case, no material is placed on record to indicate that the investigation by the State police is tainted, perfunctory or lacking in *bona fides*. The mere fact that the accused are police personnel does not warrant an inference on the ground that the investigation would be compromised. On the contrary, the investigation has culminated in the filing of a charge-sheet before the competent Court. In these circumstances, we find no merit in Writ Petition No.5508 of 2025 and the same is dismissed. Interim Application (Stamp) No.23699 of 2025 does not survive and is disposed of as infructuous.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]