

Rekha Patil

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.5607 OF 2025**

Anita Rameshkumar Jain

...Petitioner

Versus

State of Maharashtra

...Respondent

.....

Ms. Sakshee Salunkhe with Ms. Aakanksha Verma, Mr. Hitesh Jain i/b Mr. Metanshu Purandare, Advocates for the Petitioner.
Mr. S. V. Gavand, Additional Public Prosecutor, for the Respondent-State.

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**CORAM: SHREE CHANDRASHEKHAR, CJ &
SUMAN SHYAM, J.**

DATE: 20th FEBRUARY 2026

PC:-

The case of the writ petitioner, in nutshell, is that:-

1. There was a burglary at her jewellery establishment, viz., “Bhairunath Jewellers” on 9th April 2017 at about 9:45 p.m., whereby jewellery and cash valued at Rs.1,66,20,000/- were stolen away. First Information Report (for short “FIR”) No. 146 of 2017 was registered at Borivali Police Station on 10th April 2017 under Sections 381, 120B, 411 of the Indian Penal Code (for short “IPC”). The investigation is still going on in the matter.

However, till date, the police could recover the stolen jewellery worth only Rs. 5,94,060/-.

2. It is the case of the petitioner that 90% of the stolen ornaments are yet to be recovered. Moreover, the police have also failed to carry out custodial interrogation of the accused persons, who are believed to be involved in commission of the crime. The petitioner has, therefore, alleged that the present case is a clear case of negligence on the part of the police in carrying out proper investigation so as to apprehend the culprits and bring them to justice, besides, recovering the stolen articles and cash.

3. The present writ petition has, therefore, been filed seeking the following reliefs;

***a)** That his Hon'ble court be pleased to direct the transfer of the investigation of FIR No. 146/2017, Borivali Police Station, to the Special Investigation Team (SIT) or the Central Bureau of Investigation (CBI) or the Crime Branch, Mumbai;*

***b)** That this Hon'ble court be pleased to direct a fair and de-novo investigation of the said offence under the supervision of this Hon'ble Court;*

***c)** That this Hon'ble court be pleased to direct the trial court i.e. the Metropolitan Magistrate Court, Dindoshi Borivali (First Class) to expedite the matter for quick adjudication;*

***d)** That this Hon'ble court be pleased to pass any further orders or directions as this Hon'ble court deems fit and necessary in the interest of justice."*

4. In the case of “*Vinay Tyagi vs. Irshad Ali & Ors.*”¹, the Hon’ble Supreme Court has observed that the High Court, in exercise of powers under section 482 of the Code of Criminal Procedure or under Article 226 of the Constitution of India, would have the power to direct re-investigation/*de-novo* investigation/fresh investigation into the offence but such power is required to be exercised sparingly and in exceptional cases. It appears from the statements made in the writ petition that investigation is still going on in this case. Having regard to the peculiar facts and circumstances of the case, we are not inclined to grant any of the reliefs to the petitioner including issuing any direction transferring the investigation to CBI/SIT/Crime Branch, Mumbai.

5. However, the petitioner will be at liberty to avail statutory remedy in accordance with law, if so advised.

6. The Writ Petition stands dismissed.

(SUMAN SHYAM, J)

(CHIEF JUSTICE)

1 (2013) 5 SCC 762