

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

CRIMINAL WRIT PETITION NO. 3905 OF 2014

Samina Salim Khan

..Petitioner

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr. Amin Solkar for the Petitioner.

Mrs.M.M.Deshmukh, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JUNE 23, 2015.**

P.C.

1. Heard Mr. Solkar for the petitioner and Mrs. Deshmukh, APP for the State.
2. The writ petition is filed seeking direction to respondent no.3 to add section 354A of IPC in C.R.No.282 of 2014 registered at the instance of the petitioner, with Bandra Police Station, Mumbai.
3. Initially said FIR was registered under Section 354A, 323, 506 r/w. 34 IPC. However, during investigation the Investigating Officer, on the basis of the CD found that there is no molestation in this case

and therefore deleted Section 354A from the said C.R.

4. We have perused the FIR, copy of which is annexed at page 90 to the petition. The FIR prima facie does not disclose commission of offence under Section 354A. Even otherwise, the Magistrate in exercise of powers under Section 216 of Cr.P.C. can add said section if the material before him discloses commission of said offence.

5. In the above circumstances, we are not inclined to interfere with the matter by exercising our jurisdiction under the provisions of Section 226 of Constitution of India. Petition is accordingly dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)