

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
**CRIMINAL WRIT PETITION NO.4613 OF 2014**

Iqbal Hussain Shaikh & Anr. ...Petitioners

Versus

Mumtaz Fazal Khan & anr. ...Respondents

....

Mr. Iqbal Hussain Shaikh, in-person present.

Mr. A.I. Hussain for Respondent No.1

Mr. Rajesh More, APP for Respondent No.2-State.

**CORAM:-M.L. TAHALIYANI, J.**

**DATED : -24<sup>th</sup> JULY, 2015.**

**P.C.**

Heard Petitioner in-person on behalf of himself and  
Petitioner No.2, who is daughter of Petitioner No.1.

2. Respondent No.1 has filed a complaint against the  
Petitioners, which is pending in the Court of Judicial Magistrate, First  
Class, Thane vide Criminal Case No.2071 of 2013. Respondent No.2  
lodged a criminal complaint for the offences punishable under  
sections 323, 504, 506 part (ii) r/w section 120 B of IPC in alternate  
r/w section 34 of the IPC. Learned Magistrate after recording  
statement of Respondent No.1 on oath, issued process against the  
Petitioners for the offence punishable under section 506 part (ii) r/w

section 34 of the IPC only. It is this order, which was challenged before the Sessions Court by way of revision. Revision was dismissed. Hence the present writ petition.

3. I have heard the Petitioner No.1 at length and learned Advocate for Respondent No.1, I have gone through the complaint, particularly para 16 of the complaint. Threats extended by the Petitioners prima facie constitute an offence under section 506 part (ii) of the IPC. The Petitioners had threatened that Master Fauwaz i.e. son of Respondent No.1 would be killed.

4. In my opinion, these threats are sufficient to cause alarm in the mind of Respondent No.1. Process has been rightly issued by learned Magistrate and revision has been rightly rejected.

5. The writ petition is therefore, dismissed.

(JUDGE)