

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1249 OF 2017

Mehrunisa @ Shaheen Mumtaz Ali Shaikh. ..Petitioner.
Versus
State of Maharashtra & Others. ..Respondents.

Mr. S. G. Rajput for the Petitioner.
Mr. J. P. Yagnik, APP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
Date : **May 5, 2017.**

P. C. :

1. Heard learned Counsel appearing for the Petitioner and learned APP for the State. By this petition filed under Article 226 of the Constitution of India, the Petitioner seeks to challenge the chapter case proceedings initiated by Respondent No.2 by issuing notice under section 107 of the the Code of Criminal Procedure, 1973. The chapter case proceedings are initiated on the ground that there is one CR registered against the Petitioner, namely, CR No. 288 of 2016 for the offence punishable under section 324 of the Indian Penal Code, 1860. The copy of the said FIR is at Exhibit-C. We have perused the same. Perusal of the same discloses that there is dispute between the Petitioner and the Complainant over repayment of money, which resulted in alleged incident. The said FIR does not disclose that there

is likelihood of breach of peace or disturbance of the public tranquility by the Petitioner. The nature of the FIR does not warrant initiation of the chapter proceedings. The proceedings, therefore, in our opinion cannot be sustained. In that view of the matter, impugned notice is quashed and set aside. Petition is made absolute in terms of prayer clause (a).

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]