

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

WRIT PETITION NO. 3905 OF 2017

Shivdevi Singh	...	Petitioner
V/s.		
The State of Maharashtra & Ors.	...	Respondents

Mr.Yousuf Khan i/b. Mr.Mohd. Quis Shakil Ahmed for the Petitioner.
Ms.S.D. Shinde, A.P.P. for the Respondents-State.
Mr.Suryakant G. Gaikwad, P.S.I., Mankhurd Police Station.

**CORAM : RANJIT MORE &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 31st OCTOBER, 2017.

P.C. :

1] Heard.

2] This petition is filed seeking direction to the Respondents to register an offence on the basis of the Petitioners written information dated 21st September, 2017 and 22nd September, 2017.

3] Ms.Shinde, learned A.P.P., on instructions, stated that in the absence of the cooperation of the Petitioner, nothing can be done. She submitted that the Petitioner refused to sign the complaint application. Thereafter, the Petitioner was sent notice under Section 160 of the Criminal Procedure Code. However, the Petitioner was not available on the given address and on enquiry with the neighbour, it discloses that the Petitioner is not staying on the said address.

4] Mr.Khan, learned counsel for the Petitioner, however, submits that during the *pendency* of the petition, the Petitioner is stabbed by the same person on 29th October, 2017 and she is admitted in the hospital. In support of his contention he has filed an additional affidavit on record.

5] Ms.Shinde, learned A.P.P., on instructions of PSI Suryakant Gaikwad, makes a statement that in the light of the allegations made by additional affidavit, Police Officer of the Mankhurd Police Station shall visit the hospital where the Petitioner is admitted and record the statement of the Petitioner. She submits that if the statement discloses commission of cognizable offence, then the FIR will be registered. The Statement is accepted. The Petitioner shall inform the name of the hospital, where the Petitioner is admitted to Mankhurd Police Station.

6] In the above circumstance, learned counsel for the Petitioner fairly concedes that his grievance, at this stage does not survive for consideration.

7] Writ Petition is, therefore, disposed of.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]