

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2951 OF 2018

Mrs. Nazma Begum Sayyed Petitioner
Vs.
State of Maharashtra & Others Respondents

Mr. Ganesh K. Gole with Mr. Ritesh Ratnam for the Petitioner.
Mr. J.P. Yagnik, APP, for the Respondent-State.

CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE : AUGUST 14, 2018

P.C:

1. By this writ petition under Article 226 of the Constitution of India, the petitioner says, very solemnly, that the 7th respondent has been illegally and forcibly detained by respondent Nos.2 to 6.

2. The writ petition proceeds on the footing that the petitioner is the legally wedded wife of respondent No.7 and their marriage was solemnised at Mumbai on 26-5-2017.

3. Yet, the petitioner says that prior to this marriage, the 7th respondent was married to another lady and that is respondent No.5. That first wife and her relatives being jealous of this new relationship of respondent No.7 with the petitioner and though they were residing peacefully, have by force and coercion taken away the 7th respondent. The 7th respondent has not been responding to the calls or attempts made by the petitioner to get in touch or contact him. His whereabouts are thus not known. Even an FIR has not been recorded though the incident is of assault and attack by these persons.

4. By such a writ petition, the petitioner claims that the 7th respondent, aged 50 years, has been detained by respondent Nos.5 and 6 in order to grab his property.

5. We do not see how we can decide any disputed issues, much less give a declaration in favour of the petitioner that her marriage with respondent No.7 is legal and valid. More so, when the petitioner claims that respondent No.7 has divorced respondent No.5 before marrying her. The remedy of

the petitioner to get all these disputed issues resolved is admittedly elsewhere.

6. For the present, we direct that in the event the petitioner attends the concerned police station and narrates the incident and provides details thereof, particularly the incident of assault on her and respondent No.7, which assault was by the 6th respondent, then, the concerned police station should not close the file but register an FIR and based on that FIR the investigations can then proceed. The writ petition is disposed of.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)

Suresh
Jagdish
Sajnawat

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