

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3726 OF 2017

Shri Deepak Gobindram Bathija.	]	... Petitioner
Versus		
The State of Maharashtra & Ors.	]	... Respondents

Mr. Jaideep Lele for Petitioner.

Mrs. P. P. Shinde, APP for State.

Mr. Rizwan Merchant for Respondent No.3.

Mr. Vishal E. Chandanshive, API attached to MRA Marg Police Station, present.

**CORAM :- R. M. SAVANT &
SARANG V. KOTWAL, JJ.**

DATE :- 11 APRIL, 2018

P. C. :-

1. By the above Writ Petition, the Petitioner seeks the following substantive relief :

“(a) *That, this Hon'ble Court be pleased to issue writ, order of directions in the nature of Mandamus, directing the respondents to conduct a fair and unbiased investigation of F.I.R. No.172 of 2013, registered by the respondent no.2, and to file an additional charge-sheet in C.R.No.85/PW/2017, pending in the Court of the Addl. Chief Metropolitan Magistrate, 38th Court, at Ballard Pier, Mumbai, inter alia bringing forth, all the documents and statements collected by the respondent no.2, in respect of the investigation / enquiry conducted by respondent no.2, prior to registration of the said F.I.R. No.172 of 2013.*”

2. This is an unfortunate case where the wife has filed an FIR against her ex-husband. It seems that the couple has been legally divorced. There is no dispute about the fact that the charge-sheet has been filed. Hence, it is for the Petitioner to take appropriate recourse during the trial for the reliefs which are embedded in prayer clause (a) of the Petition.

3. In our view, the Judgments of the Apex Court relied upon by the Petitioner in *Jamuna Chaudhary and others Vs. State of Bihar*¹ and *Vinay Tyagi Vs. Irshad Ali alias Deepak and Ors.*², would be of no assistance to the Petitioner in the facts and circumstances of the present case. Hence, no interdiction is called for in the writ jurisdiction of this Court. The Writ Petition is accordingly dismissed.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)

¹ AIR 1974 SUPREME COURT 1822

² 2013 CRI. L. J. 754 (SUPREME COURT)