IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (APL) NO.823 OF 2016

Talat Ghulam Rasool Khan & Ors. ...Applicants

vs.

The State of Maharashtra and Anr. ...Respondents

Mr.Satyaram R. Gaud for the Applicants.
Smt. A. S. Pai, APP for the Respondent-State.

CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.
DATE : 29/01/2019.

P.C.:

. Prayer by relatives who claimed to be not residing with the couple is to quash and set aside FIR dated 11/4/2016 under sections 498a, 406, 506 and 504 of IPC.

2. This Court has restrained Investigating Officer from filing charge-sheet in the matter. Husband is not before this Court and after completing investigation the Respondent State has already filed charge-sheet against him.

3. Learned APP upon instructions states that investigation against the present petitioners is also over and there are some findings against the petitioners which prima facie shows their involvement in the matter.

4. Learned counsel appearing for the petitioners submits that as petitioners have never formed part of family of which Respondent No.2 was member, there cannot be any material against them. He wants to rely upon

the police report to urge that it does not make out any case against the petitioners.

5. Material which may have emerged after investigation may show either involvement of petitioners or their innocence. When this Court has not permitted Investigating Officer to file charge-sheet, it is apparent, that material is still not looked into by the petitioners. The charge-sheet is already presented against the husband and is facing trial. There is no challenge to that chargesheet.

6. We therefore find that interest of justice would be served by permitting respondent No.1 to file charge-sheet against the petitioners before the Trial Court within a period of three weeks from today. Trial Court can look into all contentions of the petitioners and find out whether any case is made out against them or not. Hence keeping contentions of the petitioners open and with liberty to the petitioners to seek discharge at appropriate juncture, we dispose of the present petition.

(REVATI MOHITE DERE, J.) **(B. P. DHARMADHIKARI, J.)**