

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

CRIMINAL WRIT PETITION NO. 5764 OF 2018

Aijaz Ahmed Afsar Ahmed Faoouqi & Ors. ...Petitioners
Versus
The State of Maharashtra ...Respondent

Mr. U. S. Vanjar a/w Mr. M. A. Shaikh for the Petitioners

Mr. S. R. Shinde, A.P.P for the Respondent-State

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.
WEDNESDAY, 16th JANUARY 2019**

P.C. :

1 Submission of learned counsel is that 10 years after the marriage and at a place where none of the petitioners were present, the alleged incident has taken place. The incident is dated 1st February 2018 and initially FIR was registered only under Section 498A, 323, 34 and 406 of Indian Penal Code. The victim-wife had poured kerosene and ignited herself. She died on 13th February 2018. Thereafter, Section 306 of Indian Penal Code has also been added.

2 Contention is, when there are three children born to couple and there is not a single previous complaint, alleged incident is not sufficient to rope in the petitioners.

3 Learned counsel also adds that investigation is already over but charge-sheet is not filed.

4 Learned A.P.P has invited our attention to the report submitted before Sessions Court while investigation was going on. He points out that after the incident dated 1st February 2018, in hospital, statement of victim has been recorded and in it, she has named the petitioners and pointed out psychological as also physical harassment. It appears that therein, she has mentioned that because of this ill-treatment, she tried to end her life.

5 In view of the statement of the victim, we, in this jurisdiction, are not inclined to intervene.

6 We, however, keep all contentions of petitioners open and with liberty to them to take appropriate steps before trial Court as and when occasion therefor arises, dispose of present proceedings. No cost.

REVATI MOHITE DERE, J.

B. P. DHARMADHIKARI, J.