

**BIPIN
DHARMENDER
PRITHIANI**

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

CRIMINAL WRIT PETITION NO. 1388 OF 2021

Diana Raj Tyagi Nee Diana Bomi Mehta	...	Petitioner
Versus		
The State of Maharashtra & Ors.	...	Respondents

Mr. Mohan Rao a/w Ms. Subbha Rane, Ms. Sakshi Baadkar i/by Parab & Associates for the Petitioner.

Mrs. Geeta Mulekar, APP for the Respondent-State.

**CORAM: NITIN W. SAMBRE AND
R. N. LADDHA, JJ.**

DATE : 3rd MARCH, 2023

P.C. :-

. In 1996, petitioner got married with one Mr. Raj Tyagi against whom, at the behest of petitioner, a Crime being no. 271 of 2020 offence punishable under Sections 498A, 323, 504, 506-II and 336 of the Indian Penal Code came to be registered.

2. According to petitioner, considering the nature of allegations in FIR, she has claimed that the accused/her husband, should have been also booked and investigated for an offence punishable under Section 307 of the Indian Penal Code viz attempt to murder.

3. In view of aforesaid inaction, the present petition is taken out with a prayer for issue of directions to the respondents to investigate and submit supplementary charge-sheet in the matter *qua* the offence

punishable under Section 307 of the Indian Penal Code.

4. The fact remains that the husband of the petitioner is already charge-sheeted in the matter.

5. The issue as to the cancellation of bail of the husband of the petitioner is informed to be subjudiced before the Apex Court in which the parties are trying to amicably settle the matter.

6. Be that as it may, as the petitioner in the present petition is seeking the investigation *qua* the offence punishable under Section 307 of the Indian Penal Code and having regard to the fact that the accused is already charge-sheeted, we are not inclined to show any indulgence in exercise of writ jurisdiction in the matter thereby keeping option open to the petitioner to approach before the Court who is dealing with the trial in the matter with the appropriate prayer.

7. With above observations and liberty, the petition stands disposed of.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]