

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2709 of 2023

Shumaila Idris Ansari

.. Petitioner

Versus

Mohammad Sakib Ansari and ors

.. Respondents

...

Ms. Chandni Chawla i/b Abdul W Khan for the petitioner.

Mr.Y.M. Nakhwa, APP for the State.

API K.K. Tambe from Mumbra police station present.

CORAM: BHARATI DANGRE, J.

DATED : 13th SEPTEMBER, 2023

P.C:-

1 Heard learned counsel for the petitioner and learned APP for the State.

2 The present Petition is filed being aggrieved by an order passed by the Magistrate on an application being filed u/s.156(3) of Cr.P.C for registering an offence against her husband and eight other persons for the offence punishable u/s.498A, 307, 344, 452, 406, 506 of IPC, Section 72 of the Information Technology Act, 2000 and Section 3 and 4 of the Dowry Prohibition Act.

The said order is upheld by the Addl. Sessions Judge, Thane in Revision Application by specifically recording that there is refusal to entertain the application u/s.156(3) of the Cr.P.C but the applicant is granted liberty to proceed u/s.200 of Cr.P.C.

3 On hearing the learned counsel for the petitioner and on perusal of the impugned order, I cannot but, arrive at the same conclusion. When the complaint lodged by the complainant is carefully perused, it refers to the disturbed relationship between the husband and wife and worth it to mention that omnibus allegations are to be found against the other respondents.

Though the learned counsel has vehemently submitted that the complainant faced a threat to her life, when the complaint is perused, except stating that she was slapped and there was an attempt to strangle her, no incident amounting to cognizable offence has been referred. It is her case that she was harassed for the household work as well as certain restrictions were imposed upon her.

However, this necessarily would not lead to commission of cognizable offence and that is the specific reason why the Magistrate has refused to initiate an investigation u/s.156(3) of Cr.P.C.

It is now open for her to file complaint u/s.200 of Cr.P.C and upon its verification, the summons shall be issued to the respondents and the law will take its own course.

4 In the wake of the above, the present petition stand disposed off.

(SMT. BHARATI DANGRE, J.)