

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1808 OF 2013

Jintendra K. Mishra and Others. ..Petitioners.
Versus
State of Maharashtra & Others. ..Respondents.

Mr. Sushil Shukla for the Petitioner.
Mrs. U. V. Kejriwal, learned APP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
Date : **March 17, 2015.**

P. C. :

1. Heard. By this petition, the Petitioners are seeking to quash the proceedings of C.C. No.1448/PW/2010 pending on the file of Metropolitan Magistrate 34th Court, Vikhroli, Mumbai. The said case is the culmination of FIR bearing CR. No.240 of 2010 registered at Vikhroli Police Station against the Petitioners at the instance of Respondent No.2 for the offences punishable under section 498A and 406 read with 34 of the Indian Penal Code, 1860.

2. Learned Counsel appearing for the Petitioner submitted that Respondent No. 2 has expired on 14th August 2013 and therefore, the proceedings do not survive.

3. The charge-sheet was filed prior to the death of Respondent No.2. The charge-sheet cannot be quashed only on the ground that the Complainant has expired during the pendency of criminal proceedings. The Court will have to be satisfied that there is no evidence worth the name against the Petitioners in entire charge-sheet. In the circumstances, we are of the view that the Petitioners have alternative efficacious remedy of applying for discharge before the learned trial Court.

4. In the backdrop of above, we are not inclined to entertain this petition and it is accordingly dismissed.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]