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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO.1483 OF 2016**

Arvind Madanlal Kainth

..Petitioner.

V/s.

State of Maharashtra and Anr.

..Respondents.

**CRIMINAL WRIT PETITION NO.1484 OF 2016**

Anilkumar Madanlal Kainth and Ors.

..Petitioners.

V/s.

State of Maharashtra and Anr.

..Respondents.

Mr.Vivek Joshi for the petitioners.

Mr.K.V.Saste, APP for the respondent-State.

Mr.J.P.Singh for respondent No.2.

**CORAM : NARESH H.PATIL AND  
A.M.BADAR, JJ.**

**DATED : 28TH APRIL, 2016**

**P.C. :-**

1. By Writ Petition No.1483 of 2016, the petitioner / accused in Crime bearing No.451/2014 for the offences punishable under section 498A, 406, 509, 323, 504 read with 34 of the Indian Penal Code, 1860 registered with Parksite

Police Station, Mumbai at the instance of respondent No.2 is praying for quashing and setting aside the resultant Criminal Case No.69/PW/2016 pending on the file of 31<sup>st</sup> Metropolitan Magistrate Court, Vikhorli, Mumbai. By Writ Petition No.1484 of 2016, petitioners / accused in Crime No.451/2014 for the offences punishable under section 498A, 406, 509, 323, 504 read with 34 of the Indian Penal Code, 1860 registered with Parksite Police Station, Mumbai at the instance of respondent No.2 are praying for quashing and setting aside the resultant Criminal Case No.856/PW/2015 pending on the file of 31<sup>st</sup> Metropolitan Magistrate Court, Vikhorli, Mumbai.

2. Heard the learned counsel appearing for petitioners as well as respondent No.2. They unanimously submit that both the Criminal Cases are arising out of the matrimonial dispute which has already been settled. Respondent No.2 is the wife of petitioner No.1 Anilkumar Madanlal Kainth and rest of the petitioners are her in-laws. According to the learned counsel appearing for both the parties, there is compromise between the parties before the learned Family Court, Bandra, Mumbai settling the matrimonial dispute and, therefore, the criminal cases arising

out of the matrimonial dispute needs to be settled.

3. We have heard the learned APP appearing for the State and perused copy of the charge-sheet tendered by the learned counsel for the petitioners during the course of arguments.

4. It is seen that on account of the F.I.R. lodged by respondent No.2 Anu, wife of Anilkumar, F.I.R. bearing Crime No.451/2014 came to be registered against the present petitioners and on completion of investigation, charge-sheet came to be filed against the petitioners. Now, the matrimonial dispute between the parties is settled. The offence alleged against the petitioners does not involve public law element. According to respondent No.2 / informant, she was subjected to cruelty by her husband and in-laws. Now, the dispute is settled. Hence the criminal cases needs to be quashed as continuation of the criminal proceedings against petitioners will be abuse of process of the Court as chances of conviction of the petitioners are very remote. Hence the following order:-

(I) Writ Petition No.1483 of 2016 is allowed in terms of

prayer clause (a). The Criminal Case No.69/PW/2016 against the petitioner is quashed.

- (II) Writ Petition No.1484 of 2016 is allowed in terms of prayer clause (a). The Criminal Case No.856/PW/2015 against the petitioners is quashed.

**(A.M. BADAR, J.)**

**(NARESH H.PATIL, J.)**