

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 710/2016.

Mr. Jayesh Vinod Kothari.

-VERSUS-

The State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
& V.M. DESHPANDE, JJ.

DATE : APRIL 17, 2017.

Heard Shri S.C. Wankhede, learned Counsel for the petitioner and Shri V.A. Thakare, learned A.P.P. for respondent nos. 1 to 3. None appears for respondent nos. 4 to 7. They have engaged Shri R. Dhande, Advocate to represent them. They have also filed reply.

2. Submission of petitioner/husband is respondent no.4/wife has been forced by her parents to undergo abortion against her wish.

3. It is not in dispute that matrimonial proceedings are going on between the parties before the competent Court at Amravati. Respondent no.4 is residing with her parents.

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4. Learned A.P.P. has produced before the court, consent of respondent no.4 before undergoing abortion.

5. Petitioner has not produced before this court any material to show that respondent no.4 had not consented to such abortion or then her consent has been obtained against her wish and desire. We have questioned learned counsel for the petitioner and petitioner does not have any material also to indicate that she has been subjected to abortion against her desire.

6. We therefore, find substance in contention of learned A.P.P. that the proceedings are filed maliciously. Hence, with costs of Rs. 10,000/- payable by the petitioner to respondent no.4 within a period of four weeks from today, we dispose of the present proceedings.

7. We direct petitioner to file copy of this order in the pending matrimonial proceedings before the Amravati Court.

JUDGE

JUDGE

Rgd.