

Rane

* 1/2 * WP- 3793-2015 (SR.10)
Wednesday, 17.1.2018

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3793 OF 2015

Mr. Birendra Rajkumar DwivediPetitioner

V/s.

The State of Maharashtra & anr.Respondents

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Mr. P.R. Tiwari i/by. Mr. Ashok M. Saraogi, Advocate for
the Petitioner.

Mr. K.V. Saste, Addl. P.P. for the respondent, State.

CORAM :- **R.M.SAVANT, &**
SANDEEP K. SHINDE, JJ.

DATE :- **17TH JANUARY, 2018.**

P.C. :-

1. The above Writ Petition has been filed for quashing of the proceedings in Sessions Case No. 92 of 2014 arising out of FIR No. 7 of 2014 for the offence punishable under Section 376 of the Indian Penal Code. The quashing of the proceedings is sought on the basis of the DNA report dated 22nd August, 2014 issued by the Forensic Science Laboratory, State of Maharashtra,

Mumbai under the signature of Shri. S.H. Lade, Assistant Director. The said DNA report discloses that, the petitioner herein is excluded to be the biological father of the male child of the First Informant. Though, the said report is on record, having regard to the fact that, the same is not a conclusive piece of evidence, we are not inclined to proceed on the said basis and quash the pending proceedings. Having regard to the facts and circumstances of the present case, as borne out by the FIR, we do not deem this a fit case to exercise our jurisdiction under Section 482 Criminal Procedure Code and under Article 226 of the Constitution of India. The Writ Petition is accordingly dismissed. Needless to state that, if the petitioner files any application for discharge, the trial Court would try the same on its own merits and in accordance with law.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)