

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1305 OF 2004**

The State of Maharashtra
Through Matunga Police Station,
Mumbai.

....Appellant
(Orig. Complainant)

V/s.

1. Shivkumar Makkhan Tiwari
2. Makkhan Kailaspati Tiwari
3. Sau. Sushiladevi Makkhan Tiwari
4. Maheshkumar Makkhan Tiwari
5. Kumari Nirmala Makkhan Tiwari
All accused residing at : Bokliya Chawl,
Room No.9, Vatsyaraj Lane, Matunga,
Mumbai.

....Respondents
(Orig. Accused Nos.1 to 5)

**ALONG WITH
CRIMINAL APPLICATION NO. 775 OF 2006
IN
CRIMINAL APPEAL NO. 1305 OF 2004**

1. Sarita Shivkumar Tiwari
Age : 26 years, Occupation : Service

2. Shivkumar Makkhan Tiwari
Age : 27 years, Occupation : Service
Both Nos.1 & 2 Indian Inhabitants,
R/At : Room No.49, Tilak Nagar Chawl,
Behind Century Mill, Worli,
Bombay – 25.

2. Makkhan Kailaspati Tiwari
Age : 55 years, Occupation : Business

3. Sushiladevi Makkhan Tiwari
Age : 48 years, Occupation : Housewife

4. Maheshkumar Makkhan Tiwari
Age : 21 years, Occupation : Student

5. Nirmala Makkhan Tiwari
 Age : 23 years, Occupation : Student
 All Nos.3 to 6 Indian Inhabitants,
 R/At : Bokliya Chawl, Room No.9,
 Vatsyaraj Lane, Matunga, Mumbai.

....Applicants/Petitioners
 (Orig. Complainant/
 Informant and Accused
 respectively)

Vs

The State of Maharashtra
 (At the instance of Matunga Police
 Station, Mumbai).

....Opponent

Ms. PN. Dabholkar, APP for State.

CORAM : K.R.SHRIRAM, J.
DATED : 14th DECEMBER 2020.

P.C. :

1. In this appeal, there is a Criminal Application filed by Sarita Shivkumar Tiwari jointly with Shivkumar Makkhan Tiwari being Criminal Application No.775 of 2006. Sarita Shivkumar Tiwari, the original complainant and Shivkumar Makkhan Tiwari, Respondent No.1, in the joint application have prayed for leave to intervene in the present appeal against acquittal filed by the state. Learned APP also states, after considering the application, that after the initial hiccup and fight, both of them have started cohabiting together and are living a blissful life. Therefore, both are jointly requesting for dismissing/quashing the said Criminal Appeal arising out of the complaint originally filed.

2. Learned APP states that in these facts and circumstances, the court may consider allowing the application and dispose the appeal suitably.

Learned APP says that instead of dismissing the appeal, appeal may be disposed in view of the Criminal Application filed.

3. Having considered the averments in the Criminal Application and since there is no bar in granting the relief prayed for, in the interest of justice and to avoid any hiccup in the marital life of the applicants, I am inclined to allow the applicants to intervene in the present appeal and further dispose the appeal accordingly.

Appeal and Criminal Application disposed accordingly.

(K.R. SHRIRAM, J.)