

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 559 OF 2019

Kumar Kannaeram

...Petitioner

Versus

The State of Maharashtra And Ors.

...Respondents

....

Ms. Rshma Ravi i/by K. P. Ravi, Advocate for the Petitioner.

Mrs. M.H. Mhatre, APP for Respondent-State

Suja Felicia Nadar Respondent No.3, Present through video conferencing.

Ashwini Mane, API, SB.I, C.I.P. Zone-8.

....

**CORAM : PRAKASH D. NAIK, &
M.M. SATHAYE , JJ.**

DATE : 15th DECEMBER, 2023.

P.C.:

1. Leave to amend the prayer clause. Amendment may be carried out forthwith.

2. The Petitioner challenges the chargesheet arising out of First Information Report (for short 'FIR') No.74 of 2018 dated 19th May, 2018 registered with Wadala Police Station, Mumbai for offences under Sections 498-A, 406, 354, 323, 504 r/w 34 of Indian Penal Code (for short 'IPC').

3. The FIR was registered at the instance of Respondent No.3. The Petitioner is the friend of the Accused No.1. The Respondent No.3 is present through video conferencing. She is identified by the Investigating Officer who is present in the Court. The Respondent No.3 also furnished the photo copy of PAN Card and Aadhar Card by way of her identity proof. The documents are taken on record. The Respondent No.3 has filed an affidavit stating that she has no objection for quashing the impugned FIR and proceedings. The Respondent No.3 confirms the contents of affidavit. She asserted that the proceedings against the Petitioner may be quashed.

4. Learned Advocate for Petitioner submits that the Accused No.1 and Respondent No.3 had obtained divorce by mutual consent. There is settlement between the complainant and all the other Accused. Considering these circumstances, relief sought in this Petition can be granted.

ORDER

- i. Criminal Writ Petition No.559 of 2019 is allowed;
- ii. The proceedings against the Petitioner in C.C. No.872/PW/2018 pending before the Court of learned

Metropolitan Magistrate 29th Court, Bhoiwada, Dadar-Mumbai
are quashed and set aside.

iii. Petition stands disposed off.

(M.M. SATHAYE, J.)

(PRAKASH D. NAIK, J.)