

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

CRIMINAL APPLICATION NO. 308 OF 2026

Dilip S/o. Kumar Chakraborty And Anr. ...Applicants

Versus

Rupa Joy Chakraborty And Anr. ...Respondents

Mr. Avdesh Kesari (Through VC) a/w Mr. Adolf A. Agrawal, learned Advocates for the Applicants.

Mr. Sukanta A. Karmakar, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 18th FEBRUARY 2026.

P.C. :

1. Heard Mr. Avdesh Kesari, learned Advocate for the Applicants and Mr. Sukanta Karmakar, learned A.P.P. for the State/Respondent.

2. By the present Criminal Application, the Applicants have sought for the following substantive relief in terms of prayer clause (A) :-

“(A) Quash and set aside the PWDVA Application No. 129 of 2025 before the learned JMFC, Paud, Pune against the Applicants.”

3. Mr. Sukanta Karmakar, learned A.P.P. for the State/Respondent raises a preliminary objection to the maintainability of present Criminal Application in view of the statutory appeal being available to the Applicants under the

provisions of the Protection of Women from Domestic Violence Act, 2005 (“PWDVA”).

4. Mr. Avdesh Kesari, learned Advocate for the Applicants craves leave to withdraw the present Criminal Application with liberty to file appeal under the provisions of the PWDVA before the Sessions Court against the impugned orders.

5. Request made by Mr. Avdesh Kesari, learned Advocate, is not objected by Mr. Sukanta Karmakar, learned A.PP.

6. In view of the above, leave granted to withdraw the present Criminal Application with liberty as prayed by Mr. Avdesh Kesari. If such Appeal is filed by the Applicants before the appropriate Court, the same be considered on its own merits after affording an opportunity of hearing to the parties and in accordance with law.

7. Criminal Application No. 308 of 2026 is disposed of as withdrawn.

[ASHWIN D. BHOBE, J.]

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