

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 463 OF 2022

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Date: 2022.08.17
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Mr. Vishal Agarwal & Ors. ... Applicants

Versus

State of Maharashtra & Anr. ... Respondents

.....

Mr. Rahul Shelke a/w. Ms. Neha Sharma for the Applicants.

Mr. J.P. Yagnik, APP for the State.

Ms. Vishakha Thakur i/b. Ms. Aisha Shaikh for Respondent
No.2.

.....

CORAM : NITIN JAMDAR AND
N.R. BORKAR, JJ.

DATED : 10 AUGUST 2022

P.C. :-

The Applicants filed this Application with the following
prayer :-

*“a. That this Hon’ble Court be pleased to be
quash and set aside C.R. No. 0397/2021
registered in the kamothe Police Station at Navi
Mumbai against the Applicants u/s. 498-A, 406,
34, 504 and 506 of I.P.C. Dated 12/09/2021
herein”.*

2. We have heard the learned Counsel for the parties.

Taken up for disposal.

3. The learned Counsel for the Applicants and the learned Counsel for Respondent No.2 – Complainant state that the dispute that led to filing of this FIR was a matrimonial dispute which now stands resolved between the parties. The learned Counsel for Respondent No.2 – Complainant states that Respondent No.2 – Complainant has filed an affidavit giving consent for quashing of the FIR and the proceedings. The learned Counsel for Respondent No.2 – Complainant states that the Complainant in the affidavit has given reasons for giving consent. The learned Counsel reiterates the contents of the affidavit. The learned Counsel for the Applicants and the learned Counsel for Respondent No.2 – Complainant jointly pray that the FIR and the proceedings be quashed and they rely on the decision of the Hon’ble Supreme Court in the case of *Gian Singh v/s. State of Punjab*¹.

4. We have considered the facts and circumstances of the case, the pleadings and the joint prayer made, and the law laid down by the Hon’ble Supreme Court. Considering that the matrimonial dispute stands resolved between the parties keeping the prosecution pending would be harassment to the parties and is not likely to result in conviction. It will also disrupt the settlement arrived at between the parties. Therefore, case is

¹ (2012) 10 SCC 303

made out for grant of relief as prayed for.

5. The Application is allowed in the above terms.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)