

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

CRIMINAL APPLICATION NO. 1673 OF 2019

Bapu A. Bhosale and Ors. ...Applicants

Versus

The State of Maharashtra and Ors. ...Respondents

Adv. Anurag Ghag - Advocate for the Applicant

Adv. Advait Tamhankar h/f Adv. Ashish Dubey – Advocate for the
Respondent No. 3.

Mr. K. V. Saste - APP for the Respondent-State

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 06th MAY, 2022

P. C. (Per S. M. Modak, J.) :-

. Heard, the learned counsel for the Applicants and learned counsel for the Respondent No. 3/First Informant and learned APP for the Respondent-State.

2. At the instance of Respondent No. 3 – wife Aarti Bhosale the offence registered at Khadakpada Police Station, Thane on 22/11/2016 against the present Applicants for the offence punishable under Sections 498A, 406, 323, 504, 506 of the Indian Penal Code.

3. The present Applicant No. 3 is husband of Respondent No. 3 whereas Applicant No. 1 is Father-in-law and Applicant No. 2 is Brother-in-law of the first informant. After investigation even Police has filed a Charge-sheet in the Court of JMFC, Kalyan and it is numbered as RCC No.

259 of 2017.

4. During the pendency of this prosecution, the Applicant No. 3 and Respondent No. 3 have entered into a deed of settlement title as consent terms filed at page no. 160 of the Petition. They have taken divorce by mutual consent and Respondent No. 3 has agreed to waive the right of permanent alimony and copy of the divorce decree is at page no. 138. It is granted by the Court of Civil Judge Senior Division, Kalyan under Section 13-B of the Hindu Marriage Act. There are no issues from the marriage. There is no grievance about any articles of Respondent No. 3 with the Applicant No. 3. One of the term of the settlement is to co-operate in quashing of the prosecution. The Respondent No. 3 has also filed affidavit. As they have dissolved the marriage by mutual consent, no purpose will be served by keeping prosecution pending. Hence following Order:-

ORDER

- (i) Criminal Application No. 1673 of 2019 is allowed.
- (ii) RCC No. 259/2017 pending in the Court of JMFC, Kalyan for the offence punishable under Sections 498A, 406, 323, 504, 506 of the Indian Penal Code arising out of F.I.R. No. 388 of 2016 is quashed and set aside.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)