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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

VASANT  
ANANDRAO  
IDHOL

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CRIMINAL APPLICATION NO.221 OF 2023

Aniket A. Kadam & Ors. ...Applicants  
V/s.  
State of Maharashtra & Anr. ...Respondents

Ms.Shalu Tanwar i/b Adv.Aishwarya Belhekar for the Applicants.

Mr.S.V. Gavand, APP for Respondent No.1 – State.

Mr.Prasad Avhad i/b Adv.Kuldeep Nikam for Respondent No.2

**CORAM : NITIN W. SAMBRE &  
RAJESH S. PATIL, JJ.**  
**DATE : 4TH SEPTEMBER, 2023.**

**P.C. :-**

1. The prayer is for quashing of the F.I.R. and consequential charge-sheet in Crime No.272 of 2014, registered on 21<sup>st</sup> November, 2014 for the offence punishable under Sections 418, 420, 427 read with 34 of I.P.C.
2. The Applicant No.1, who was married to Respondent No.2 on 30P<sup>th</sup> May, 2014.
3. Since the marriage has not consummated, differences arose thereby resulting in registration of the aforesaid offences.
4. Respondent No.2 – Complainant has placed on record an

affidavit extending the consent for quashing through her lawyer. The lawyer representing Respondent No.2 has identified her. Similarly we have requested Mr.Gavand, learned APP to interact with Respondent No.2 so as to verify whether the affidavit given is voluntary or not.

5. Mr.Gavand, learned APP informs that Respondent No.2 has volunteered to extend the consent of the aforesaid affidavit, as the parties have already obtained the decree for divorce by mutual consent.

6. In view of above, the fact remains that the parties i.e. the Applicant No.1 and Respondent No.2 have obtained the decree for divorce by mutual consent from the Court of Civil Judge (Senior Division), Sangli in Hindu Marriage Petition No.244 of 2016 and Respondent No.2 having extended voluntarily consent to the aforesaid affidavit, no purpose would be served. In this backdrop, this Court is required to be sensitive to the position of law in the judgments delivered by the Apex Court in the matter of **Gian Singh vs. State of Punjab & Anr.** reported in **(2012) 10 SCC 303** and **Narinder Singh & Ors. vs. State of Punjab & Anr.** Reported in **(2014) 6 SCC 466**. In view of the stand taken by Respondent No.2, the Applicants cannot be made to face the prosecution, as the same cannot be taken into its logical end.

7. That being so, the Application is allowed in terms of prayer

clause (B) subject to payment of costs of Rs.25,000/- to be paid by each of the Applicants to Janseva Foundation to be deposited in Bank of Maharashtra Account No.20076764639 with IFSC Code MAHB0000102. The cost shall be deposited by the Applicants within four weeks from the receipt of the order and receipt to that effect be placed on record within a week thereafter, failing which the order of quashing of proceedings shall automatically stand recalled and this Court will be constrained to proceed against the Applicants in accordance with law.

**(RAJESH S. PATIL, J.)**

**(NITIN W. SAMBRE, J.)**