

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 6307 OF 2021

Gaurav Rajiv Tarte and ors. ... Petitioners

Versus

The State of Maharashtra and anr. ... Respondents

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Ms. Aishwarya Shinde a/w Aditya Joshi i/b Dattatray Dixit for the
Petitioner.

Ms. M. M. Deshmukh, APP for the State.

Mr. Kuldeep Pawar for Respondent No. 2.

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**CORAM : NITIN W. SAMBRE &
N.R. BORKAR, JJ.**

DATED : 6 OCTOBER 2023

P.C. :-

The prayer is for quashing of the FIR and charge-sheet in Crime
No. 542 of 2021 registered with Fouzdar Chawadi Police Station for
an offence punishable under Sections 498-A, 323, 504, 506 r/w 34 of
the Indian Penal Code.

2. The respondent No. 2- complainant, who is physically present
in the Court was married to the petitioner No. 1 on 19 December
2020. The petitioner No. 2 is mother-in-law, whereas petitioner No.

3 is married sister-in-law of respondent No. 2.

3. The genesis of the offence is based on ill-treatment, cruelty. Since the petitioner No. 1 and respondent No. 2 in view of matrimonial discord were unable to get along, they decided to part their ways amicably.

4. In this background, the respondent No. 2 has placed on record affidavit, stating that the proceeding for divorce by mutual consent shall be initiated, wherein the petitioner No. 1, who is present in the Court, in response to the query has agreed to extent consent unconditionally. The petitioner No. 1 has also undertaken that at the time of the passing the decree for divorce by mutual consent under Section 13(B) of the Hindu Marriage Act, he shall be returning entire streedhan unconditionally.

5. The aforesaid statement made by petitioner No. 1, who is physically present in the Court and identified by the learned counsel for the petitioners is accepted as undertaking to this Court.

6. In view of stand taken in the affidavit by the respondent No. 2-complainant and having regard to law laid down 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**, the object with which the prosecution is initiated against the petitioners cannot be achieved or taken to its logical end.

7. In this background, we deem it appropriate to allow the present petition, in view of the consent extended by respondent No. 2 subject to aforesaid undertaking given by the petitioner No. 1.

8. The Petition is allowed in terms of prayer clause (a) subject to payment of cost of Rs. 5,000/- by each petitioner to the Central Police Welfare Fund within a period of six weeks from today and the receipt of payment of cost shall be produced with the Registry within same period, failing which the order of quashing the criminal proceedings shall stand recalled. The Petition is disposed of in aforesaid terms.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)