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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 60 OF 2020

Hemantkumar Uttamrao Pawar
And Ors

...Applicant

V/s.

The State Of Maharashtra And
Anr

... Respondents

Mr. Mukesh Dongare for the Applicant.

Ms. M. M. Deshmukh, APP for the State/Respondent No.1.

Mr. Nikhil Khatal for the Respondent No.2.

CORAM : NITIN W. SAMBRE &
RAJESH .S. PATIL, JJ.

DATED : 21st AUGUST, 2023

PC.:

1. This Application is filed under section 482 of the Code of Criminal Procedure, 1973 for quashing of the F.I.R. in Crime No. 0123/2019 registered at Kopar khairane Police Station, Navi Mumbai on 17th April, 2019 for offences punishable under Sections 498-A, 406, 504 read with Section 34 of the Indian Penal Code, 1860.

2. The prosecution case against the Petitioner is that the Petitioner got married with Respondent No.2-Complainant on 25th March, 2016. Thereafter, out of matrimonial discord, it is claimed

that differences occurred based on the ill-treatment meted out to Respondent No.2 by the Petitioner and for non fulfillment of demand of dowry.

3. The matter was thereafter investigated and the Petitioner came to be charge-sheeted. In response to the prayer for quashing, the Respondent No.2-Complainant has filed affidavit thereby extending consent. In the consent affidavit it is stated by Respondent No.2-Complainant that they have mutually resolved the interse differences and as such she is willingly extending consent for quashing the offences in question so also the proceedings under the Protection of Women from Domestic Violence Act, 2005.

4. In this background, after counsel for Respondent No.2 has identified her, we requested Ms. Deshmukush, learned APP to confront Respondent No.2 as to whether she admits to the contents of the affidavit thereby extending consent for quashing. The Respondent No.2 who is physically present in Court and identified by her counsel, has stated through APP that she has willingly extended her consent for quashing of the prosecution against the Petitioner.

5. In view of the consent extended by the Respondent No.2 for quashing of the prosecution, the criminal proceeding cannot be taken to its logical end against the Petitioner.

6. We are sensitive to law laid down by the Apex Court in the matter of *Gian Singh V/s. State of Punjab & Anr.* Reported in *(2012) 10 SCC 303* and *Narinder Singh & Ors. V/s. State of*

Punjab & Anr. Reported in *(2014) 6 SCC 129*.

7. As such case for quashing is made out. In view thereof, the present Petition stands allowed in terms of prayer clause (a) and (a-1)

(RAJESH S. PATIL, J.)

(NITIN W. SAMBRE)