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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.227 OF 2022

Dr.Suryakant Hanmante & Ors.

...Applicants

V/s.

State of Maharashtra & Anr.

...Respondents

Mr.Sarnath Sariputta for the Applicants.

Ms.M.M. Deshmukh, APP for Respondent No.1 – State.

Respondent No.2 present.

**CORAM : NITIN W. SAMBRE &
RAJESH S. PATIL, JJ.**
DATE : 29TH AUGUST, 2023.

P.C. :-

1. The prayer is for quashing of the F.I.R. and consequential charge-sheet in Crime No.19 of 2020 punishable under Sections 498-A, 354, 313, 406, 323, 504, 506 read with 34 of I.P.C. registered on 24th January, 2020.

2. Respondent No.2 was married to the Petitioner on 1st January, 2017. Both are blessed with a issue, a daughter.

3. Out of matrimonial dispute, the aforesaid offence came to be registered against the Petitioner. Respondent No.2, who is physically present in the Court has tendered affidavit. Said affidavit is taken on record and marked "X" for identification.

4. Since Respondent No.2 – Complainant is not represented by a lawyer, we have requested Ms.Deshmukh, learned APP to verify from the Respondent No.2 about the affidavit. Respondent has admitted to have executed the consent affidavit. It is mentioned in the affidavit that since last ten months both the Petitioner and Respondent No.2 along with their daughter has started residing together and they have amicably resolved their dispute. The Petitioner husband has undertaken to deposit a sum of Rs.15,000/- per month in the bank account of minor daughter Swarali. The bank details of which are also reflected in the affidavit. The Petitioner husband has agreed to the said condition, which is accepted as an undertaking to this Court.

5. In view of above, having regard to the 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 prosecution initiated against the Petitioner cannot taken to its logical end and the continuation of the prosecution might result in creating problem in the smooth married life of the parties.

6. In that view of the matter, we deem it appropriate to allow the present application in terms of prayer clause (b) in view of the consent affidavit.

(RAJESH S. PATIL, J.)

(NITIN W. SAMBRE, J.)