

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

CRIMINAL APPLICATION No. 333 OF 2023

Paras Mahendra Hariya and Ors.	...Applicants
Vs.	
State of Maharashtra and Anr.	...Respondents

Mr. Neeraj Yadav i/by R. Sathyanarayanan for Applicants
Mr. Ajay Patil, APP for the State
Mr. S.K. Saha i/by. MKS Legal Associates for Respondent No.2
PIS Sunil Sonawane (Pairavi), Charkop Police Station, Mumbai present

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

DATED : 25th AUGUST, 2023

P.C.:

1. On May 7, 2018, Applicant No.1 got married with Respondent No.2 and started residing together. Applicant Nos.2 and 3 are the parents of Applicant No.1, whereas Applicant No.4 is the daughter of Applicant Nos.2 and 3.

2. The parties after the aforesaid marriage started residing together, however, out of differences, with an allegation of cruelty, Crime No. 564 of 2022 came to be registered on June 4, 2022 for an offence punishable under Section 498A, 506, 509 r/w. 34 of the IPC.

3. The Applicants have moved before this Court for quashing of the aforesaid offence alleging false implication.

4. Respondent No.2- Complainant initially filed an affidavit on March 21, 2023, thereby objecting the prayer for quashing. According to her, the consent terms dated July 8, 2022 filed before the Sessions Court, Dindoshi contemplates payment of Rs.14,00,000/- as one time alimony, which was not received by her and as such, she prayed for rejection.

5. Today, when the matter is called out, Respondent No.2- Complainant Mrs. Charu Paras Hariya, aged about 33 years, is physically present in the Court and is identified by her counsel. A fresh consent affidavit sworn before the Notary Public on August 23, 2023, is placed on record.

6. Pursuant to the request made by this Court, Mr.Ajay Patil, learned APP appearing in the matter has interacted with the Complainant. The Complainant has admitted the contents of the affidavit dated August 23, 2023. She also acknowledges the receipt of one time alimony of Rs.14,00,000/-. She has stated that since both i.e. Applicant No.1 and Respondent No.2 have decided to part their ways, she has extended the

aforesaid consent out of her free will and is a voluntary act on her part.

7. Once Respondent No.2 has admitted the contents of the aforesaid affidavit and has extended consent willingly thereby agreed for quashing of the complaint, this Court cannot make the Applicants to undergo rigors of facing the trial, particularly when Respondent No.2-Complainant has agreed for quashing and as such she is not willing to stand by what has been stated in the FIR. She has also requested for ignoring her first affidavit where by resistance was shown to the prayers of the Applicant for quashing of F.I.R.

8. That being so, we deem it appropriate to allow the present proceedings, having regard to law laid down by the Apex Court in the matter of *Gian Singh vs. State of Punjab and Another* reported in *(2012) 10 SCC 303* and *Narinder Singh & Ors. Vs State of Punjab & Anr.* reported in *(2014) 6 SCC 129*, and as such the present proceedings stand allowed in terms of prayer clause (a), which reads thus:

“a. That the present application be allowed and the First Information Report dated 04/06/2022/ CR No.546 of 2022 registered against the Petitioners with the Charkop Police Station for the offences u/s. 498A, 506, 509 r/w. 34 of IPC, 1860 be quashed.”

9. The Criminal Application is disposed of.

10. The Applicants are directed to pay the cost of Rs.10,000/- each to Kirtikar Law Library, High Court, Mumbai within four weeks from the date of receipt of the order.

(RAJESH S. PATIL, J)

(NITIN W. SAMBRE, J.)