

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

CRIMINAL WRIT PETITION NO. 1298 OF 2023

Mithilesh Milind Bhosale & Ors.Petitioners
Vs.
The State Of Maharashtra & Anr.Respondents

Ms Anukshka Shreshtha a/w. Adv. Vijay Shelar for the Petitioners.
Mrs. M. M. Deshmukh APP, for the Respondent-State.
Mr. Alok Kumar Pandey for the Respondent No. 2
Mr. S. L. Dalvi, PSI, Navghar Police Station present.

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

DATED : 5th SEPTEMBER, 2023

P.C.:

1. The prayer is for the quashing of the FIR in Crime No. 52 of 2015 punishable u/s. 498A, 377, 323, 506(2), 504 r/w. 34 of IPC registered on 08/03/2015 which further led to filing of the charge-sheet against the Petitioners.
2. The Petitioner No. 1 and the Respondent/Complainant got married on 10/11/2014.
3. Subsequent thereto, it is claimed that the Respondent/Complainant was sexually exploited against her will by the Petitioner No. 1
4. We are informed that the charges are already framed against

the Petitioners.

5. Learned Counsel for the Respondent No. 2/Complainant submits that the Affidavit is tendered by the Respondent No. 2/Complainant extending consent for quashing.

6. We have perused the Affidavit wherein it is stated that the divorce proceeding bearing No. A-456 of 2019 was initiated before the Family Court, Thane, which is pending consideration till this date.

7. It is informed that in the said divorce proceeding Consent Terms are tendered and the Respondent/Complainant has agreed for compliance with the terms mentioned in the said Consent Terms.

8. We have requested Smt. Deshmukh, learned APP to interact with the Respondent/Complainant so as to find out whether the Affidavit tendered is a voluntary act of the Respondent/Complainant. Learned APP upon interaction found that the Respondent/Complainant has voluntarily extended consent by filing Affidavit.

9. In view of the above and the 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**

no purpose will be served by keeping the proceedings pending against the Petitioners.

10. That being so, the Petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25,000/- to be paid by ***each*** of the Petitioners to the Association of Parents of Mentally Retarded Children (State Bank of India, Account No: 00000010884930648, IFSC Code: SBIN0009056) within a period of four weeks from today.

11. The Petitioners shall produce the copy of the receipt in the Registry within a period of four weeks from today, failing which the order of quashing the proceedings shall stand recalled.

(RAJESH S. PATIL, J)

(NITIN W. SAMBRE, J.)