

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

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CRIMINAL APPLICATION NO.257 OF 2022

Mr. Manish Kantilal Sheth

..Applicant

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Viral Rathod a/w Vishwatej Jadhav i/by Prashant Chauhan, for the Applicant.

Mr. S. V. Gavand, APP for the Respondent/State.

Ms. Sheetal Pandya a/w Ameet Mehta & Kavita Nadar i/by M/s. Solicis Lex, for the Respondent No.2.

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

DATE : 16th OCTOBER, 2023

PC.

1. Prayer is for quashing of FIR being Crime No.57 of 2021 registered with Borivali West Police Station for the offence punishable under Sections 498A, 406, 506 r/w 34 of IPC.

2. The genesis of the offence is based on the marriage of the applicant with the respondent No.2/complainant performed on 16th January, 1992. Out of matrimonial discord, the respondent No.2/complainant alleged ill-treatment and cruelty.

3. The respondent No.2/complainant has placed on record affidavit along with copy of consent terms thereby extending

consent for quashing of the FIR.

4. The respondent No.2/complainant in categorical terms has stated that she has received entire alimony as has been offered by the applicant/husband and out of her own free will and without coercion she is extending consent for quashing. In view of aforesaid stand taken by the respondent No.2/complainant and 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***, we deem it appropriate to allow the application.

5. The application as such stands allowed in terms of prayer clause A.

[N. R. BORKAR, J.]

[NITIN W. SAMBRE, J.]