



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1307 OF 2016**

Darren Donald Rafael Goes ... Petitioner

Versus

The State of Maharashtra and another ... Respondents

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Mr. Geogy Jacob instructed by Geogy Jacob and Associates for the Petitioner.

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

Respondent No.2-in-person is present.

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

DATED : 19 OCTOBER 2023

P.C. :-

1. The prayer is for quashing of FIR in Crime No.45 of 2016 registered at Amboli Police Station, for the offence punishable under Sections 498A, 376, 312, 323, 504, 506 of Indian Penal Code, registered on 6 February 2016.

2. Respondent no.2-complainant appears in person and seeks permission of this Court to address through learned APP, as the lawyer engaged by her has refused to give her no objection.

3. Since the learned APP Mr. Gavand has verified the identity of the respondent no.2-complainant from aadhar card, so also the police officer, PSI B.Y. Gaonkar attached to Amboli Police Station, who is present

in Court, we permit respondent no.2 to address in person. During the course of hearing, respondent no.2 has placed on record an affidavit

4. Under Special Marriage Act, 1954, the petitioner got married to respondent no.2-complainant on 24 December 2014.

5. Respondent no.2 on 6 February 2016 has lodged the complaint for the offence punishable under sections 498A, 376, 312, 323, 504, 506 of Indian Penal Code. After the aforesaid offence came to be registered, the petitioner has preferred this petition questioning the registration of offence and has prayed for quashing of the same.

6. During pendency of the present petition, parties hereto have initiated the proceedings before the Family Court, Bandra being Petition No.A-573 of 2016 for divorce.

7. During pendency of both the proceedings, parties have decided to settle their differences and reunite. That being so, consent terms were drawn on 29 March 2023. Pursuant to consent terms, they started residing together. In view of the above, they approached the Family Court with a prayer to dispose of pending proceedings and accordingly, the said proceedings came to be disposed of as per the consent terms which are placed on record.

8. Since the petitioner and respondent no.2 have started residing together, a prayer of the petitioner for quashing of the aforesaid offence being Crime No.45 of 2016 punishable under Sections 498A, 376, 312, 323, 504, 506 of Indian Penal Code which has resulted into regular criminal case pending on the file of Metropolitan Magistrate, Andheri is

consented by respondent no.2 through consent affidavit and also consent terms.

9. We are informed by the learned APP that respondent no.2 who is physically present in court, out of her voluntary act and in view of the development noted above is extending consent for quashing.

10. Since the petitioner and respondent no.2 have started residing together, the prosecution pending against the petitioner will only come in the way of the petitioner and respondent no.2 to live smooth and peaceful married life.

11. That being so, we deem it appropriate to allow the present petition in view of consent extended by respondent no.2 for quashing in terms of prayer clause (b).

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)