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

CRIMINAL APPLICATION NO.538 OF 2023

Pratik Janardan Patil & Ors. ..Applicants
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Shantanu Kadam i/by Gaurav Parkar, for the Applicants.
Mr. S. V. Gavand, APP for the Respondent/State.
Mr. Vikrant Khare a/w Pratik Sabrad, for the Respondent No.2.
Petitioner No.1 and Respondent No.2 present in Court.

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

DATE : 7th SEPTEMBER, 2023

P.C.

1. The applicant No.1 was married to the respondent No.2, whereas the applicant Nos.2 to 4 are the in-laws.
2. Out of matrimonial discord, we are informed that the divorce proceedings by mutual consent are pending on the file of Civil Judge Senior Division, Panvel vide Hindu Marriage Petition.159 of 2023.
3. In this background, parties hereto claim that they have arrived at a settlement. The respondent No.2/complainant has placed on record consent affidavit, which she has agreed to have been voluntarily executed as is informed through the learned APP upon verification.

4. Through learned APP it is informed by the respondent No.2/complainant that out of Rs.15,50,000/-, amount of Rs.7,75,000/- is received from the applicants and applicants have admitted that the balance amount of Rs.7,75,000/- shall be paid immediately after decree for divorce by mutual consent is passed.

5. The aforesaid statement is not disputed by the counsel for the applicants.

6. As such, the statement not being disputed and the liability of the applicants is towards payment of Rs.7,75,000/-, which shall be discharged in the divorce proceedings is accepted as an undertaking to this Court.

7. In view of stand taken by the respondent No.2/complainant and having regard to the fact that parties have decided to part their ways, no purpose will be served in keeping the present criminal proceedings pending. In view of 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.

8. The application as such stands allowed in terms of prayer clause (i) and (ia) subject to payment of cost of Rs.10,000/- to be paid by each of the applicants The Children AID Society (*Bank Name: UCO Bank, A/C No.02370100005612, IFSC Code:*

(7) -APL-538-23.doc.

UCBA0000237) within four weeks and receipt of payment of cost be produced with the Registry within same period, failing which the order of quashing the criminal proceedings shall stand recalled.

9. The application as such stands disposed of.

[RAJESH S. PATIL, J.]

[NITIN W. SAMBRE, J.]