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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION
WRIT PETITION No. 2149 OF 2023

Sameep Ravindranath Srivastava and Anr. ...Petitioners
Vs.
The State of Maharashtra and Anr. ...Respondents

Mr.Omprakash Dubey for Petitioners
Smt. M.M. Deshmukh, APP for the State
Ms. Pooja Malik for Respondent No.2

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

DATED : 29th AUGUST, 2023

P.C.:

1. The prayer is made for quashing the charge-sheet by consent submitted against the Petitioners in Crime No. 481 of 2016 on 15th July, 2016 for the offence punishable under Sections 498, 406, 323, 504, 506 r/w. 34 of the IPC.

2. The genesis of the offence is that the mother of the Complainant by name Pravina got divorce from her erstwhile husband Chandrakant Wadkar and got married with Petitioner No.1 on 29 January, 2016.

3. Since the mother of the Complainant was ill-treated by Petitioner No.1, the complaint came to be lodged. The Complainant, who is daughter

V.A. Tikam

of the victim Pravina has filed an affidavit of her mother – Respondent No.2, stating that she is extending consent for quashing of the offence against the Petitioners as her mother Pravina-Respondent No.2 and Petitioner No.1 have decided to part their ways. The decree of divorce by mutual consent has already been passed by the Principal Judge, Family Court, Mumbai under Section 13-B of the Hindu Marriage Act on 17th April, 2023 .

4. The learned APP has interacted with Respondent No.2 Pravina, after she was identified by her lawyer. Respondent No.2 has admitted the contents of the consent affidavit.

5. In this background, having regard to 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*, we deem it appropriate to allow the present proceedings in terms of prayer clauses (a) and (b). The prosecution against the Petitioners is quashed having regard to the consent extended by Respondent No.2.

6. Writ petition is disposed of in the aforesaid terms.

(RAJESH S. PATIL, J)

(NITIN W. SAMBRE, J.)