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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1571 OF 2023**

Mr. Chandresh Nanalal Khandar
and Ors.

....Petitioners

V/s

The State of Maharashtra and Anr.

.....Respondents

Mr. Anil D'Souza a/w Valentine Mascarenhas for the Petitioners.

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

Ms. Payoshi Roy, appointed Advocate for Respondent No.2.

WPSI – Dhanshri Bajgire, Police Station Virar, present.

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

DATE: OCTOBER 05, 2023

P.C.:-

1] Respondent No.2 is physically present in the Court and informed to be holding law degree, though she is not in profession. Her erstwhile lawyer, as instructed by her, has already drafted an affidavit, thereby extending her consent. Affidavit is tendered through learned APP and same is taken on record.

2] We have appointed Ms. Payoshi Roy, Advocate to represent interest of Respondent No.2. The identity of Respondent No.2 who is physically present in court is disclosed by Investigating Officer. Similarly, pursuant to the request made by this Court, learned APP has

verified her identity from Aadhar Card. As such, in view of consent affidavit which is placed on record and fact that Respondent No.2 has admitted to have settled the differences as parties hereto i.e. Petitioner No.1 and Respondent No.2-complainant have decided to part ways as decree of divorce is already passed, no purpose will be served in keeping the present proceedings pending against the Petitioners. Respondent No.2 acknowledges one time alimony.

3] In view of above factual matrix and having regard to the law laid down by the Apex Court in *Gian Singh Vs. State of Punjab & Anr* reported in **(2012) 10 SCC 303** and in *Narinder Singh & Ors vs. State of Punjab & Anr* reported in **(2014) 6 SCC 466**, Application stands allowed in terms of prayer clause (a) in view of the consent extended by Respondent No.2-complainant.

4] We direct the Legal Services Authority to pay professional fees of Ms. Payoshi Roy Advocate appointed to represent the interest of Respondent No.2-complainant as per schedule.

(N. R. BORKAR, J.)

(NITIN W. SAMBRE, J.)