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

CRIMINAL WRIT PETITION NO.1536 OF 2023

Deepak Ashoklal Nasarpuri And Ors	...Petitioners
V/s.	
State Of Maharashtra And Anr	... Respondents

Ms. Minal Chandani a/w. Bhavesh Sawant i/b. J. S. Chandani for the Petitioners.

Smt. M. M. Deshmukh, APP for the State.

Mr. Zoheb Merchant i/b. Monty Teckchandani for the Respondent No.2.

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

DATED : 4th SEPTEMBER, 2023

P.C.:

1. The Prayer is for quashing of the F.I.R. in Crime No. I-102 of 2015 dated 11th April, 2015 registered with Vitthalwadi Police Station for the offence punishable under Sections 498-A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2. Out of matrimonial discord between the Respondent No.2 and the her husband, the husband who is the Petitioner No.1, has initiated marriage Petition for divorce by mutual consent before the Court of Civil Judge, Senior Division, Kalyan being

Marriage Petition No. 733 of 2023.

3. We are informed that the said proceedings are disposed of by granting a decree for divorce.

4. In this background, the Respondent No.2-Complainant has submitted affidavit extending her consent for quashing.

5. Through learned APP we have confirmed the contents of the consent affidavit and the Respondent No.2 has admitted to have executed the same out of her own will.

6. As the Respondent No.2 has voluntarily and willingly consented for quashing of the offence against the Petitioner, no purpose will be served in keeping the present proceedings pending. Having regard to 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 clause (a) subject to payment of cost of Rs.25,000/- by the Petitioner.

7. The cost shall be paid to the Janseva Foundation to be deposited in the Bank of Maharashtra Account No.20076764639, IFSC Code MAHB0000102, within four weeks from the date of receipt of the order and a receipt to that effect be placed on record

within a week thereafter, failing which the order of quashing of proceedings shall automatically stand recalled and this Court will be constrained to proceed against the Petitioner in accordance with law.

8. Writ Petition is disposed of in the aforesaid terms.

(RAJESH S. PATIL, J.)

(NITIN W. SAMBRE)