



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (APL) NO. 475 OF 2019

Valiben Shamji Makwana & Ors.

... Applicants

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.S.A. Naqvi for Applicants.

Mrs.G.P. Mulekar, A.P.P. for Respondent-State.

Mr.Vikash Nana Tambavekar i/b. Ms. Akshita Prajapati for Respondent No.2.

CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.

DATE : 9th August 2023.

P.C. :

1. Mother-in-law (Applicant No.1), Husband of Respondent No.2 (Applicant No.2) and erstwhile wife of Applicant No.2 (Applicant No.3) have filed present application under Section 482 of Criminal Procedure Code for quashing of CR No. 0277 of 2018, dated 20th July 2018, registered with Bhayandar Police Station, Thane (Rural), under Sections 376, 313, 406, 323, 504, 506 read with 34 of Indian Penal Code, with the consent of Respondent No.2.

2. Learned Advocate for Applicants on instructions submitted that, till date the police have not submitted chargesheet in the present case. The said statement is accepted.

3. Learned Advocate for Applicants submitted that, the Applicants and Respondent No.2 have settled their disputes and differences amicably and Respondent No.2 is consenting for quashing of the said crime. He therefore prayed for quashing of the present crime and for allowing the Application.

4. Learned Advocate for Respondent No.2 submitted that, Respondent No.2 has filed an affidavit dated 12th July 2023, duly affirmed before a Notary Public. It is stated therein that, she has amicably resolved all her disputes and differences and has executed Consent Terms in the Court of Judicial Magistrate First Class at Thane. She has given her consent and no objection for quashing of the present crime.

5. Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her affidavit dated 12th July 2023 and her 'no objection' for quashing of the crime in question.

6. Perusal of First Information Report indicates that, the Applicant No.2 came into contact with Respondent No.2. He informed her that, he is a divorcee and also showed certain documents to make the Respondent No.2 believe that, he is a divorcee. Their acquaintance was blossomed into an affair. Applicant No.2 subsequently performed marriage with Respondent No.2 on 7th December 2009. They started cohabiting together at Bhayandar. Out of their wedlock a son is begotten. The Respondent No.2 in the year 2018 came to know that, the Applicant No.2 has not given divorce to his

earlier wife i.e. Applicant No.3 herein. Due to which disputes and bickering started amongst them. On one occasion the Applicant No.3 and Respondent No.2 had a bickering over the earlier marriage of Applicant No.2. Their relations were subsequently strained and thereafter the Respondent No.2 has lodged present crime. The aforementioned brief facts have been narrated by the Respondent No.2 in her F.I.R.. The relation between the Respondent No.2 and Applicant No.2 is not in dispute.

7. In view thereof and after taking into consideration the fact that, the Respondent No.2 has given her consent for quashing of the crime in question, we quash CR No. 0277 of 2018 registered with Bhayandar Police Station, Thane (Rural).

8. In view of above, Application is allowed in terms of prayer Clause (a).

[SHIVKUMAR DIGE, J.]

[A.S. GADKARI, J.]