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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2640 OF 2022**

Shahnawaz Yunus Tamboli & Ors

....Petitioners

V/s

The State of Maharashtra & Anr.

.....Respondents

Mr. Abhinandan Waghmare i/b Mr. Shahed Ali N. Ansari for the
Petitioner.

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

Mr. Sangram Divekar i/b Zaheer Shaikh for Respondent No.2.

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

DATE: AUGUST 24, 2023

P.C.:-

1] Provisions of Article 226 of the Constitution of India alongwith
Section 482 of the Criminal Procedure Code are invoked for quashing
of FIR and consequently charge-sheet in Crime No. 318 of 2019
punishable under Sections 313, 498-A, 406, 504, 506 read with
Section 34 of the Indian Penal Code.

2] Respondent No.2 alleged in the complaint that she got married
to Petitioner No.1 on 21/04/2018. Petitioner Nos. 2 and 3 are her in-
laws, whereas Petitioner No.4 is brother of Petitioner No.1, whereas

Petitioner No.5 is wife of Petitioner No.4. Respondent No.2-complainant has initiated DV Act proceedings vide CC No.142 of 2020 which is already withdrawn by her, whereas from the side of the Petitioner, complaint being CR No.288 of 2019 came to be registered with Vimantal Police Station for the offence punishable under Sections 143, 147, 452, , 354, 323, 324, 504, 506 read with Section 34 of the IPC which has resulted into registration of RCC No.277 of 2020.

3] Vide settlement deed dated 04.04.2022, parties have decided to part their ways as according to them, they are unable to live together in view of differences on various fronts. Accordingly, Respondent No.2 has tendered consent affidavit, stating that she has no objection for quashing of the prosecution against the Petitioner.

4] Counsel for Respondent No.2 has identified Respondent No.2, so also we have requested learned APP to interact with Respondent No.2-complainant, who is physically present in Court. As informed by learned APP, Respondent No.2-complainant admits to the contents of the consent affidavit which she has voluntarily executed.

5] In the aforesaid backdrop, having regard to the stand taken by Respondent No.2, no purpose will be served by keeping the present proceedings pending, as the criminal prosecution cannot be taken to its logical end. Having regard to the law laid down by the Apex Court in the matters 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**, since the prosecution cannot be taken to its logical end, we deem it appropriate to allow the Petition for quashing by consent in terms of prayer clause (a), subject to costs of Rs 10,000/- to be paid by the Petitioner to the Maharashtra State Legal Services Authority within four weeks. The Petitioner is directed to place on record receipt of the payment of costs within the said period, 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.

(RAJESH S. PATIL, J.)

(NITIN W. SAMBRE, J.)