

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

Digitally signed
by VASANT
ANANDRAO
IDHOL
Date: 2023.09.11
19:18:49 +0530

CRIMINAL WRIT PETITION NO.1994 OF 2022

Shahid A. Mujawar & Ors. ...Petitioners
V/s.
State of Maharashtra & Anr. ...Respondents

Mr.Balwant Salunkhe for the Petitioners.

Mr.Ajay Patil, APP for Respondent No.1 – State.

Ms.Shraddha Pawar i/b Mr.Nilesh Patil for Respondent No.2.

CORAM : NITIN W. SAMBRE &
RAJESH S. PATIL, JJ.
DATE : 29TH AUGUST, 2023.

P.C. :-

1. On 30th November, 2021, Petitioner No.1 got married with Respondent No.2 – Complainant. Within two months of their marriage, differences cropped up which has resulted into registration of an offence wherein it is alleged that Respondent No.2 – Complainant was treated with cruelty as there was non-fulfillment of demand of dowry.
2. Counsel for the Respondent No.2 states that the Consent affidavit of Respondent No.2 along with Deed of Settlement are also annexed.

3. We have perused the Deed of Settlement between the parties.

4. We have requested Mr.Patil, learned APP to interact with the Complainant. It is informed that the Complainant has voluntarily executed the aforesaid consent terms.

5. Petitioner No.1 and Respondent No.2 - Complainant who are present in the Court have undertaken before us that they shall abide by the terms of the consent arrived at as both have agreed to resolve the differences in terms of Settlement Deed. They have also undertaken before this Court *qua* discharge of their respective obligation. Statement made by both the parties i.e. Petitioner No.1 and Respondent No.2 – Complainant is accepted.

6. In this background, having regard to the stand taken by Respondent No.2 – Complainant, the prosecution against the Petitioners cannot be taken to its logical end and it will be a futile attempt to make the Petitioners to face prosecution. In view of above, having regard to the law laid down by the Apex Court in the matter 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**, the prosecution initiated against the Petitioners, in our opinion, is liable to be quashed and set aside.

7. That being so, the present the Writ Petition stands allowed

in terms of prayer clause (a) subject to payment of costs of Rs.25,000/- to be paid to The Association of Parents of Pasaydan Balvikas Foundation to be deposited in Central Bank of India Account No.3775403155 with IFSC Code CBIN0285070. The cost shall be deposited by the Petitioners within four weeks from the receipt of the order and 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 Petitioners in accordance with law.

(RAJESH S. PATIL, J)

(NITIN W. SAMBRE, J.)