

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

CRIMINAL WRIT PETITION NO.2834 OF 2022

Prashant Laxman Khade

... Petitioner

V/s.

The State of Maharashtra & Anr

... Respondents

Mr. Manoj Kumar Tiwari for the Petitioner.

Mr. J. P. Yagnik, APP for the Respondent- State.

Mr. Pratik Mokasi a/w. Mr. Gunjan Surana for the Respondent No. 2

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

DATED : 6th JULY, 2023

P.C.:

1. Based on the incident of physical assault by the petitioner, the respondent No.2 has lodged a complaint resulting into registration of offence being Crime No.325 of 2022 on 15th May, 2022 punishable under Sections 324, 504 and 506 of the IPC.
2. The complainant/respondent No.2 herein has filed an affidavit sworn on 8th June, 2022 stating that his suspicious approach towards his wife has resulted into misleading to the lodging of the offence in question. It is claimed that he is extending consent for quashing of the offence.
3. In view of stand taken by the complainant thereby extending consent for quashing and further stated that the offence was

lodged out of misunderstanding, the prosecution against the petitioner cannot be taken to its logical end, as the conviction cannot be achieved.

4. Considering the nature of the allegations, the consent extended by the Complainant and 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***, we deem it appropriate to allow the present Petition subject to the payment of cost of Rs.25,000/- (each) to be paid to Maharashtra State Legal Services Authority within four weeks from today and to produce the acknowledgment in compliance of the present order.

5. Needless to clarify that in case either of the parties to the Petition fails to honour the condition as incorporated hereinabove of payment of cost within the stipulated period, the matter be listed before the Court for passing appropriate order against the parties.

(R. N. LADDHA, J)

(NITIN W. SAMBRE, J.)