

VAISHALI
ANIL
TIKAM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CRIMINAL APPELLATE JURISDICTION
WRIT PETITION No.2743 OF 2023**

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Mehul D. Grover and Ors.

...Petitioners

Vs.

State of Maharashtra and Anr.

...Respondents

**Mr. Sneha Jethwa a/w. Akash Desai i/b. Gayatri Gokhale for Petitioners
Mr. Ajay Patil, APP for the State-Respondent
PSI B.V. Gaonkar, Amboli Police Station**

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

DATED : 29th AUGUST, 2023

P.C.:

1. A prayer is for quashing the FIR by consent being Crime No. 1150 of 2022 registered on 10th December, 2022 for offence punishable under Sections 498-A, 377, 323, 406, 504 r/w. 34 of the IPC.
2. The prosecution case against the Petitioners is that Petitioner No.1 and Respondent No.2 got married on 10th December, 2020. Petitioner Nos. 2 and 3 are the in-laws of Respondent No.2- Complainant. The allegation in the FIR is of sexual harassment and cruelty.
3. It appears that in view of the disputes between the parties i.e. Petitioner No.1 and Respondent No.2-Complainant, they have already approached the Family Court for grant of divorce by mutual consent vide Petition No.A-439 of 2023. In the said proceedings, Respondent No.2- V.A. Tikam

Complainant claimed to have received permanent one time alimony of Rs.16,00,000/- . Based on the above, she has consented for not only grant of pre-arrest bail for Petitioners, but also has placed on record the consent affidavit sworn on 29th August, 2023, thereby accepting consent for quashing. It is specifically mentioned in the consent terms that Respondent No.2 shall co-operate Petitioner No.1 in having a decree of divorce by mutual consent and she would not back-drag.

4. Respondent No.1, who is present in the Court, is identified by her lawyer and pursuant to the request made by this Court, learned APP Mr. Ajay Patil has interacted with Respondent No.2-Complainant. Respondent No.2 has admitted the contents of the consent affidavit and also acknowledges the amount of one time alimony of Rs.16,00,000/-. She has specifically stated that she shall be extending consent for divorce by mutual consent in the pending matrimonial proceedings being Petition No.A-439/2023.

5. She has also stated that she has voluntarily executed the consent affidavit, which is taken on record.

6. In this background, having regard to the 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). The prosecution against the Petitioners is quashed having regard to the consent extended by Respondent No.2 Complainant.

7. The Petitioners are directed to pay cost of Rs.50,000/- to the Children AID Society to be deposited in the UCO Bank Account No.0230100005612, IFSC Code UCBA0000237, within four weeks from the date of 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.

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

(RAJESH S. PATIL, J)

(NITIN W. SAMBRE, J.)