

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

CRIMINAL APPLICATION No. 566 OF 2023

Animesh Kumar Nichani Garg and Anr.

...Applicants

Vs.

State of Maharashtra and Anr.

...Respondents

Ms. Surbhi Agrawal for Applicants

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

Mr. Ricky Chhabria for Respondent No.2

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

DATED : 25th AUGUST, 2023

P.C.:

1. Prayer is for quashing of FIR in Crime No. 141 of 2023 registered on 21st February, 2023 punishable u/s. 323, 406, 498-A. 504, 506 r/w. 34 of the IPC.
2. Applicant No.1 was married to Respondent No.2 on 4th March, 2022. Applicant No.2 is the mother-in-law of Respondent No.2-Complainant.
3. The complaint came to be lodged by Respondent No.2 alleging that she is being treated with cruelty as the demand of dowry was not fulfilled by her. It is also claimed that she was physically assaulted.
4. It appears that subsequent to the registration of the aforesaid offence with the intervention of the seniors and the well wishers, settlement deed came to be executed on 26th April, 2023, which is produced on record at

Exhibit 'C'. The parties herein are present in the Court, addressed to the execution of the aforesaid settlement deed produced at Exhibit 'C' and as such, Respondent No.2 – Complainant has extended consent by filing an affidavit.

5. We requested Mr. Gavand, learned APP to interact with the Complainant – Respondent No.2 herein. Through the learned APP, it is informed by Respondent No.2 that she has voluntarily extended consent and she also stand by what has been stated in the affidavit, so also in the settlement deed. In view of the aforesaid statement made by Respondent No.2 voluntarily and willingly upon the contents of the consent affidavit, the prosecution against the Applicants cannot be taken to its logical end and as such they cannot be made to suffer hardship of facing prosecution. In view of 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) subject to payment of cost of Rs. 25,000/- by each of the Applicants.

6. The cost shall be paid by the Applicants to Kokan Kala Va Shikshan Vikas Sanstha (State Bank of India Account No.11099464354, IFSC Code

SBIN0000454) 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 proceeding shall automatically stand recalled and this Court will be constrained to proceed against the Applicants in accordance with law.

7. The Criminal Application is disposed of in the aforesaid terms.

(RAJESH S. PATIL, J)

(NITIN W. SAMBRE, J.)