

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

CRIMINAL WRIT PETITION NO.2847 OF 2023

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Mrs. Divya S. Alias Divya Nirmal

Alias Divya Nirmal Prince

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Prem V. Tanna a/w Saloni Parekh, for the Petitioner.

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

Mr. Elton George, for the Respondent No.2.

Respondent No.2 in person present.

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

DATE : 19th AUGUST, 2023

PC.

1. The prayer is for quashing by consent of FIR being Crime No.303 of 2022 registered with Juhu Police Station for an offence under Sections 379 and 500 of IPC and Sections 66E and 67 of the Information Technology Act, 2000.

2. The petitioner claims to be related to the respondent No.2/complainant. The petitioner has allegedly uploaded photos with adverse comments/remarks on Instagram/Facebook account which has given rise for registration of offence against the petitioner.

3. In the backdrop of relationship between the parties, the respondent No.2/complainant who is physically present in the Court has stated in the consent affidavit that in view of intervention of the family members, he has agreed for quashing out of his own free will. The respondent No.2/complainant further states that he has no intention to proceed against the petitioner.

4. The aforesaid contents in the consent affidavit are duly supported by the respondent No.2 who is physically present in the Court and is identified by his lawyer, so also, learned APP from his Aadhaar Card. In this background, we deem it appropriate to allow the petition.

5. The petition as such stands allowed in terms of prayer clause (a), subject to payment of cost of Rs.25,000/- to be paid by the petitioner to the Janseva Foundation (*Bank of Maharashtra, A/C No.20076764639, IFSC Code: MAHB0000102*) within four weeks and copy of the receipt of the same be produced with the Registry within same period, failing which the order of quashing of the criminal proceedings shall automatically stand revived and this Court will be constrained to proceed against the petitioner in accordance with law.

6. The petition as such stands disposed of.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]