

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

Digitally signed by
VASANT
ANANDRAO IDHOL
Date: 2023.09.06
10:50:47 +0530

CRIMINAL WRIT PETITION NO.2343 OF 2017

Vijaykumar N. Singh & Ors.

...Petitioners

V/s.

State of Maharashtra & Anr.

...Respondents

None for the Petitioners.

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

Mr.Ashley Cusher with Ms.Priyanka Tiwari for Respondent No.2.

Petitioner No.1 present in person.

Respondent No.2 present in person.

Mr.Saiprasad Pawar, PSI, Arnala Sagri Police Station present.

CORAM : NITIN W. SAMBRE &
RAJESH S. PATIL, JJ.
DATE : 4TH SEPTEMBER, 2023.

P.C. :-

1. The prayer is for quashing of the F.I.R. in Crime No.185 of 2016 punishable under Sections 498-A,406, 323, 506 read with 34 of I.P.C. registered on 14st December, 2016.
2. Respondent No.2 – Complainant was married to the son of the Petitioner Nos.1 and 2.
3. The Petitioners are the in-laws of Respondent No.2 –

Complainant alleging cruelty and ill-treatment and the aforesaid offence came to be registered.

4. Respondent No.2 – Complainant has placed on record the consent affidavit stating that Hindu Marriage Petition being No.334 of 2016 was converted into one that of under Section 13-B of the Hindu Marriage Act and a decree for divorce by consent came to be allowed on 6th July, 2023 passed by the Court of Civil Judge (Senior Division), Vasai. Respondent No.2 – Complainant has further stated that they have amicably resolved the dispute and she has no intention to pursue the prosecution against the Petitioners.

5. Learned counsel for Respondent No.2 informs that he has identified Respondent No.2, who is present in Court. We have requested Mr.Ajay Patil, learned APP to verify from Respondent No.2 as to the contents of the affidavit so as to ensure that such act on the part on Respondent No.2 is voluntary.

6. After having interacted, learned APP informed that Respondent No.2 is admitting the contents of the affidavit and she has voluntarily consented for quashing.

7. Having regard to the law laid down in the judgments delivered 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**. In

view of the stand taken by Respondent No.2, the Applicants cannot be made to face the prosecution, as the same cannot be taken into its logical end.

8. That being so, the Writ Petition is allowed in terms of prayer clause (b) subject to payment of costs of Rs.15,000/- to be paid by each of the Petitioners to Janseva Foundation to be deposited in Bank of Maharashtra Account No.20076764639 with IFSC Code MAHB0000102. 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.

9. The compliance be reported within the aforesaid period.

(RAJESH S. PATIL, J.)

(NITIN W. SAMBRE, J.)