

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 653 OF 2019**

Santosh Kallappa Chougale & Ors.

... Applicants

V/s.

The State of Maharashtra and Anr.

... Respondents

Ms. Paavani Chadha i/b. Mr. Madan Gupta for Applicants.

Ms. M. M Deshmukh, APP for Respondent-State.

Mr. Anand Patil along with Mr. Sandipt Kagade for Respondent No.2.

**CORAM : A.S. GADKARI AND
SHIVKUMAR DIGE, JJ.**

DATE : 22nd JUNE, 2023.

PC. :

1. Husband and in-laws of Respondent No.2 have filed present Application for quashing of RCC No.373 of 2009 pending on the file of Chief Judicial Magistrate, Kolhapur, arising out of C.R.No.657 of 2018 dated 27th October 2016 registered with Shahupuri Police Station, Kolhapur under Sections 498A, 406, 420, 423, 504 read with Section 34 of the Indian Penal Code with the consent of Respondent No.2.

2. Ms. Chadha, learned Advocate for Applicants submitted that, Applicants and Respondent No.2 have executed Consent Terms for Divorce by mutual consent before the Family Court at Kolhapur in Petition No.A-147 of 2018. In paragraph 4 thereof, Applicant No.1 has agreed to pay lumpsum maintenance of Rs.10,00,000/- to Respondent No.2. That,

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Applicant No.1 has agreed to pay instalment of Rs.5,00,000/- before this Court by way of Demand Draft when Respondent No.2 would submit her consent in present Application for quashing of crime in question. She further, on instructions, submitted that Applicant No.1 today has handed over a Demand Draft of Rs.5,00,000/- drawn on Canara Bank, Belgaum Branch in favour of Respondent No.2. A photocopy of the same is produced on record.

3. Learned Advocate for Respondent No.2 tendered across the bar, an Affidavit dated 22nd June 2023 duly affirmed before the Assistant Registrar of this Court. In paragraph 6 thereof, Respondent No.2 has given her no objection for quashing of the crime in question.

Respondent No.2 is personally present before the Court and through her Advocate reiterates the contents of her Affidavit dated 22nd June 2023 and her 'no objection' for quashing of the crime in question.

4. In view of above, Application is allowed in terms of prayer clause (A).

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)