

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

CRIMINAL APPLICATION NO. 726 OF 2022

Dr. Subhash Shrikant NaikApplicant.
V/s
The State of Maharashtra & Ors.Respondents

Mr. Nikhil Patil i/b. Mr. Prabhakar M. Jadhav for the Applicant.
Mr. Ajay Patil APP for the Respondent-State.

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

DATED : 5th SEPTEMBER, 2023

P.C.:

1. Leave to amendment. Amendment to be carried out forthwith.
2. Alleging ill treatment and cruelty, a complaint dated 20/09/2019 lodged by the Respondent No. 2/Complainant which led to registration of the offence being Crime No. 362 of 2019 punishable u/s. 498-A of the IPC. We are informed that the Applicant is already charge-sheeted.
3. Pursuant to the intervention by this Court, mediation is informed to be successful and accordingly Consent Terms are drawn.

4. The Respondent No. 2/Complainant-wife is informed to be the custodian of minor daughter and the Applicant has agreed that the custody of the minor daughter shall continued with the Respondent No. 2/Complainant-wife. Since the statement is made on instructions, the same is accepted.

5. The Applicant thereafter agreed to pay one time alimony of Rs.68,00,000/- out of which we are informed that the Respondent No. 2/Complainant has already received Rs.60,00,000/- and balance amount of Rs.8,00,000/- is informed to be delivered by 31/08/2024 or before that. A specific statement to that effect can be noticed in the Consent Affidavit filed by the Respondent No. 2/Complainant.

6. Mr. Patil, learned APP having interacted with the Respondent No. 2/Complainant stated that the Respondent No. 2 has voluntarily given consent for quashing.

7. In view thereof and 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 466***, no purpose will be served by keeping the present proceedings pending against the Applicant.

8. That being so, the Application is allowed in terms of prayer clause (a) subject to payment of cost of Rs.50,000/- to be paid to Pasaydan Balvikas Foundation (Central Bank of India, Account No. 3775403155, IFSC Code: CBIN0285070) by the Applicant within a period of four weeks from today.

9. The Applicant shall produce the copy of the receipt of payment of aforesaid cost in the Registry within a period of four weeks from today, failing which the order of quashing the proceedings shall stand recalled.

(RAJESH S. PATIL, J)

(NITIN W. SAMBRE, J.)