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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 850 OF 2021**

Sushant Nagesh Meshram and Ors.Applicants.
V/s
The State of Maharashtra and AnrRespondents

Mr. Sachin Kamble for the Applicants.
Mr. S.V. Gavand, APP for the Respondent/State
Ms. Priyanka Chaudhari i/b Kranti Bhamre (Rothe) for Respondent
No.2.
Respondent No.2 in person present.

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

DATE: AUGUST 24, 2023

P.C.:-

1] Petitioner No.1 is husband of Respondent No.2, whereas
Petitioner No.2 is her mother-in-law and Petitioner Nos. 3 and 4 are
her sisters-in-law.

2] Marriage between Petitioner No.1 and Respondent No.2 was
performed on 13.05.2016. Respondent No.2 is gainfully employed. It
appears that out of matrimonial discord, Petitioner No.1-husband and

Respondent No.2 approached the Court of Joint Civil Judge, Senior Division, Kalyan, District Thane vide Marriage Petition No.342 of 2018 for divorce. The said proceedings were subsequently converted into one under Section 13B(1) and the marriage between Petitioner No.1 and Respondent No.2 was dissolved vide decree dated 23.09.2021 passed by the Joint Civil Judge, Senior Division, Kalyan, District Thane.

3] In this backdrop, Respondent No.2-complainant has placed on record the affidavit, thereby extending consent for quashing.

4] Genesis of the offence against the Petitioners is, Petitioner No.1 after marriage with Respondent No.2 on 13.05.2016 ill-treated her, at times physically assaulted and in such act rest of the Petitioners supported him.

5] As a sequel of above, offence being Crime No. I-290/2018 came to be registered on 18.08.2018 for the offence punishable under Sections 498-A, 406, 323, 504, 506(2) of the Indian Penal Code.

6] As observed hereinabove, Petitioner No.1 and Respondent No.2 have already parted their ways, as decree for divorce by mutual consent is already passed by the Court of Joint Civil Judge, Senior Division, Kalyan, District Thane.

7] In this backdrop, Respondent No.2-complainant has placed on record affidavit extending consent for quashing the aforesaid offence, so also the charge-sheet in the matter.

8] Counsel for Respondent No.2 has identified Respondent No.2, so also we have requested learned APP to interact with Respondent No.2-complainant, who is physically present in Court. As informed by learned APP, Respondent No.2-complainant admits to the contents of the consent affidavit and same has been voluntarily executed by her.

9] In the aforesaid backdrop, having regard to the stand taken by Respondent No.2, no purpose will be served by keeping the present proceedings pending, as the criminal prosecution cannot be taken to

its logical end. Having regard to the law laid down by the Apex Court in the matters 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**, since the prosecution cannot be taken to its logical end, we deem it appropriate to allow the Petition for quashing by consent in terms of prayer clause (a), subject to costs of Rs 10,000/- to be paid by each of the Petitioners to the High Court Legal Services Authority within four weeks and they are directed to place on record receipt of the payment of costs within the said period.

(RAJESH S. PATIL, J.)

(NITIN W. SAMBRE, J.)