

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

CRIMINAL WRIT PETITION NO.1008 OF 2021

Vishal Arvind Deshpande ...Petitioner
V/s.
The State Of Maharashtra & Anr. ...Respondents

Mr. Vivekanand Krishnan a/w. Adv. Chaitali Bhogle for the
Petitioner.

Mrs. M. M. Deshmukh, APP for the Respondent/State.

Adv. Lakshyaved R. Odhekar a/w. Adv. Omkar for the
Respondent No.2

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

DATED : 18th OCTOBER, 2023

P.C.:

1. In Crime No. 3045 of 2011 punishable u/s 43, 66(K) & 66(D) of the IT Act, the Petitioner came to be charge-sheeted of which quashing is sought.
2. The Petitioner-Husband and the Respondent No. 2/Complainant got married on 07/05/2009. Out of the matrimonial discord, parties have approached before the Family Court, Nashik and we are informed that the decree for divorce by mutual consent was already passed on 22/09/2016.
3. That being so, the parties are residing separately. Amongst other conditions to which the parties have agreed at the time of

divorce by mutual consent is withdrawal of all cases initiated against each other including present criminal proceedings.

4. In the aforesaid background, the Respondent No. 2/Complainant has placed on record the Affidavit dated 18/09/2023 extending consent for quashing.

5. The Respondent No. 2 has joined virtually and identified by her lawyer. In response to Court's query, the Respondent No. 2 has admitted to the contents of the Affidavit and stated that she has voluntarily extended consent for the quashing.

6. Since the aforesaid statement is coming voluntarily from the Respondent No. 2, which is part of the Affidavit recorded hereinabove 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 Petitioner.

7. That being so, the Petition is allowed in terms of prayer clause (a) subject to payment of cost of Rs.10,000/- to be paid by the the Petitioner to ***The Children Aid Society (UCO Bank, Account No. 02370100005612, IFSC Code - UCBA0000237)***

within six weeks from today.

8. The Petitioner shall produce the copy of the receipt of payment of aforementioned cost in the Registry within a period of six weeks from today, failing which the order of quashing the proceedings shall stand recalled.

(N. R. BORKAR, J)

(NITIN W. SAMBRE, J.)