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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2449 OF 2023**

Mr. Pratham Raju Vasa & Ors

....Petitioners

V/s

The State of Maharashtra & Anr.

.....Respondents

Mr. A.P. Fanibanda a/w Robin Thomas for the Petitioners.

Ms. Sakshi Mane for Respondent No.2.

PSI, Ravindra Gaikwad, Pant Nagar Police Station, Mumai, present.

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

DATE: AUGUST 21, 2023

P.C.:-

1] Prayer is for quashing of an FIR in Crime No. 0134 of 2023 registered with Pant Nagar Police Station on 08.02.2023 for the offence punishable under Sections 420, 498-A, 406, 504, 506 read with Section 34 of the Indian Penal Code.

2] Respondent No.2 alleged in the complaint dated 08.02.2023 that her elder daughter who is a technocrat got married with Petitioner No.1. It is claimed that subsequent thereto, there was matrimonial discord in which Petitioner No.1 started ill-treating the victim i.e. daughter of Respondent No.2 with other accused persons, which has

resulted into registration of offence.

3] Both the Counsel, so also Respondent No.2 who is physically present in Court, inform that Petitioner No.1, so also her daughter i.e. victim Miloni are stationed in United States.

4] In this backdrop, after offence was registered, it appears that parties hereto have decided to settle their differences and accordingly Respondent No.2-complainant has tendered a consent affidavit sworn on 06.07.2023, stating therein that in view of intervention of elders and community members, they have settled the dispute after having healthy discussion. It is claimed that settlement arrived at is reduced in writing and said settlement is submitted in pending matrimonial proceedings before the Family Court, Bandra, Mumbai. It is claimed that since the dispute is amicably settled, Respondent No.2-complainant alongwith approval of victim Miloni i.e. her daughter are extending consent for quashing of the prosecution against the Petitioners.

5] Respondent No.2-complainant is physically present in Court and

is identified by her Counsel. When confronted through Ms. Deshmukh, learned APP Complainant volunteers that she has executed the consent affidavit out of her own free will without there being any pressure from the Petitioners.

6] In view of the stand taken by Respondent No.2-complainant, no purpose will be served in continuing the prosecution against the Petitioners, as the very object for which the prosecution is initiated cannot be achieved. 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 (b), 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.)