



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3471 OF 2022**

Vaibhav Ankush Walke and another ... Petitioners

Versus

State of Maharashtra and another ... Respondents

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Mr. Ganesh Bhujbal for the Petitioners.

Ms. Sharmila S. Kaushik, APP for the State.

Mr. Mayur Mohite instructed by Mr. Yuvraj Narvankar for Respondent No.2.

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

DATED : 6 OCTOBER 2023

P.C. :-

1. The prayer is for quashing of the FIR and Charge-sheet in Crime No.87 of 2020 registered on 22 February 2020 for offence punishable under Sections 498A, 323, 504, 506 r/w. 34 of Indian Penal Code.

2. Petitioner No.1 is husband, Petitioner No.2 is father-in-law, Petitioner No.3 is mother-in-law whereas Petitioner No.4 is sister-in-law of the Respondent-complainant.

3. The marriage between Petitioner No.1 and the Respondent-

complainant took place on 31 January 2016. After the matrimonial discord, they have parted their ways and started residing separately.

4. Alleging ill treatment and cruelty, complaint came to be lodged on 22 February 2020 resulting into registration of aforesaid offence in which they are charge-sheeted.

5. Parties hereto have amicably settled their dispute and has decided to part their ways. Accordingly, consent terms are drawn by the parties and Respondent-complainant who is physically present in the Court has tendered a consent affidavit through her lawyer.

6. We have perused the said consent terms and Affidavit.

7. Respondent No.2 through learned APP acknowledges the receipt of amount of Rs.8 lakhs so also entire *streedhana*.

8. As far as the return of the articles is concerned, it has been agreed between the parties that the same shall be returned after the proceedings before the Family Court are concluded. The aforesaid statement made by the Petitioner No.1 through his Advocate is accepted as undertaking to this Court.

9. Similarly, the statement of the Respondent-complainant that

she shall be extending consent before this court including Family Court also is accepted.

10. As through learned APP, the Respondent No.2-complainant has stated that she has voluntarily consented for quashing of the offence against the petitioners, no purpose will be served in keeping the prosecution pending against the Petitioners. That being so, having regard to the law laid down by the Apex Court in the matter of *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², we deem it appropriate to allow the Writ Petition in terms of prayer clause (a), subject to payment cost of Rs.5000/- each by the Petitioners to the Association of Parents of Mentally Retarded Children, in State Bank of India having Account No.00000010884930648, IFSC Code-SBIN0009056. All the Petitioners shall produce the copy of the receipt of payment of aforementioned cost in the Registry within a period of four weeks from today, failing which the proceedings shall stand revived.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466