

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

CRIMINAL APPLICATION NO. 790 OF 2021

Kuldeep Dilip Wagh & Ors. .. Applicants
V/s.
State of Maharashtra & Anr. .. Respondents

**WITH
CRIMINAL APPLICATION NO. 761 OF 2021**

Sandip Raghunath Wagh & Ors. .. Applicants
V/s.
State of Maharashtra & Anr. .. Respondents

Ms. Vrushali Maindad for Applicants in both the Applications.
Mr. S. V. Gavand, APP for Respondent-State.
Mr. Chetan Alai a/w. Ms Ujwala Pawar for Respondent No.2 in both the Applications.

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

DATED : 30th AUGUST, 2023

P.C.:

1. The Applicant-Kuldeep was married with the Respondent/Complainant-Tanuja on 29/06/2020.
2. Out of the matrimonial discord, the divorce proceedings by mutual consent came to be allowed in Marriage Petition No. 2355 of 2021 by the Family Court, Pune vide order dated 24/07/2023.
3. In this background, the Respondent/Complainant has placed on record the Consent Affidavit in both the Applications duly sworn on

08/08/2023 thereby extending consent for quashing of FIR being Crime No. 42 of 2021 punishable u/s. 420, 498-A, 507, 504 r/w. 34 of IPC.

4. The Consent Affidavits is tendered by the Respondent/Complainant in both the Applications through her lawyer and the said lawyer having identified the Respondent/Complainant, are taken on record and marked "X" for identification.

5. We have requested Mr. Gavand, learned APP to verify from the Respondent/Complainant who is physically present in the Court as to the contents of the Affidavits which she admits to have understood and accordingly consent terms were executed and sworn.

6. In view of the stand taken by the Respondent/Complainant 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 Petitioners.

7. That being so, the both the Applications are allowed.

(RAJESH S. PATIL, J)

(NITIN W. SAMBRE, J.)