

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

**CRIMINAL APPLICATION NO. 987 OF 2023**

Aniket Vinod Gaikwad ...Applicant  
*Versus*  
Archana Aniket Gaikwad & Anr ...Respondents

**AND  
CRIMINAL APPLICATION NO. 1040 OF 2023**

Aniket Vinod Gaikwad & Anr ...Applicants  
*Versus*  
Archana Aniket Gaikwad & Anr ...Respondents

Dr. Samarth Karmarkar a/w. Adv. Vivek Busa i/b. Karmarkar & Associates for the Applicants in both the Applications.  
Mr. Siddhesh Pawar i/b. India Law Alliance for the Respondent No. 2 in both the Applications.  
Smt. M. M. Deshmukh, APP for the Respondent-State.

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

**DATED : 10<sup>th</sup> OCTOBER, 2023**

**P.C.:**

1. Both these Applications are filed u/s. 482 of Cr.P.C. seeking quashing of criminal prosecution initiated by the Respondent/Complainant.
2. In APL/1040/2023, the prayer is for the quashing of the offence being C.C. No. 251/PW/2019 arising out of the C.R. No. 328 of 2017 punishable u/s 498A, 420, 354, 323, 406, 504 r/w. 32 of the IPC. The offence came to be registered on 10/11/2017.

3. In APL/987/2023 the Applicant-husband is seeking quashing of the offence registered on 03/11/2020 vide C.C. No. 204/PW/2022 arising out of the C.R. No. 319 of 2020 punishable u/s. 354D, 509, 504 & 506 of the IPC

4. In both these criminal cases accused persons are charge-sheeted.

5. It is an admitted position on record that the Respondent/Complainant - Archana Gaikwad was married to the Applicant- Aniket Gaikwad. Due to alleged cruelty, ill treatment offence being Crime No. 328 of 2017 came to be registered whereas Crime No. 319 of 2020 came to be registered wherein allegations are stalking, insulting the modesty of woman and criminal intimidation.

6. Our attention is invited by learned Counsels to the consent terms submitted before the Family Court, Bandra in M. J. Petition No. A-2525 of 2017 (Mr. Aniket Vinod Gaikwad vs. Mrs. Archana Aniket Gaikwad). In the said proceedings, we are informed that the aforesaid proceedings are pending between the parties and they have decided to request for decree in view of the consent terms after the present proceedings are disposed of. The fact remains that the divorce in the aforesaid proceeding is sought by mutual consent u/s. 13B of Hindu Marriage Act. Apart from the above, there appears to

be domestic violence case initiated by the Respondent/Complainant.

7. The Respondent / Complainant has agreed to withdraw the aforesaid domestic violence proceedings against the Applicants.

8. In the aforesaid background, the Respondent/Complainant has placed on record Affidavit thereby extending consent for quashing of both these offences. It is specifically stated in the Affidavit that Respondent/Complainant consented for quashing of the aforesaid criminal cases against the Applicants as the Respondent/Complainant has decided to settle the differences and she has no complaint against the Applicants/Accused persons as she has withdrawn all allegations against them.

9. In view of the aforesaid Consent Affidavit submitted in both these cases, we have requested Smt. Deshmukh, learned APP to interact with the Respondent/Complainant so as to confirm whether the act of the Respondent/Complainant is voluntary.

10. Learned APP, Smt. Deshmukh after verifying the identity of the Respondent/Complainant submits that the Respondent has voluntarily consented for quashing of the proceedings in both these cases out of her own free will as she intends to move ahead in life. The Respondent/Complainant further informs that she shall be extending consent in proceeding before the Family Court for divorce

by mutual consent u/s. 13B of the Hindu Marriage Act.

11. In view of the aforesaid statement, no purpose will be achieved by keeping the prosecution pending against the Applicants.

12. Having regard to 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***, we deem it appropriate to allow both these proceedings in terms of prayer clause (a) of both these Applications subject to the payment of cost of Rs.10,000/- to be paid by each of the Applicants to ***Kokan Kala Va Shikshan Vikas Sanstha (Bank of Maharashtra, Account No-60129595245, IFSC Code-MAHB0000068)*** within a period of six weeks from today.

13. All the Applicants shall produce a 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.)**