

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

CRIMINAL APPLICATION NO. 997 OF 2023

Mohd. Javed Mohd. Asharaf Ansari & Ors.	..Applicants
Versus	
The State of Maharashtra & Anr.	..Respondents

Mr. Akshada Pasi, for the Applicants.
Mr. S. V. Gavand, APP for the Respondent-State.
Ms. Tamanna Shaikh for Respondent No.2.
Mr. Anand A. Bhagat, API, Meghwadi Police Station, Mumbai.

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

DATE : 13th OCTOBER, 2023

PC.

1. Prayer is for quashing the FIR in Crime No. 78 of 2023 punishable under Sections 323, 34, 377, 498-A, 406 and 504 of the Indian Penal Code, 1860 registered on 25th February, 2023.

2. Applicant No.1 is the husband of Respondent-Complainant, whereas Applicant Nos. 2 and 3 are the in-laws. Applicant No.4 is unmarried sister of Applicant No.1, whereas whereas Applicant No.5 is married brother of the Applicant No.1. Applicant No.6 is wife of Applicant No.5

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3. Applicant No.1 got married with the Respondent-Complainant on 16th April 2019. Alleging non-fulfillment of demand of amount and also the physical exploitation, the Respondent/Complainant has lodged the report, based on which the aforesaid offence came to be registered.

4. The parties executed consent terms before the Sessions Court Dindoshi in Criminal Revision Application No. 128 of 2023. In the said Consent Terms, Respondent No.2-Complainant has agreed to extend consent for quashing of the present proceedings. The parties have also decided to part their ways and Petitioner No.1 promised to pay one time alimony of Rs.4,13,000/-. The parties thereafter by way of Islamic rituals got their marriage dissolved through talaq.

5. In this background, Respondent No.2 has placed on record Consent affidavit extending consent for quashing. Her identity is confirmed by counsel for Respondent No.2 and by learned APP has also verified her identity through her Aadhar Card. Respondent No.2 through learned APP Ms. Deshmukh claims that the execution of the consent affidavit is out of her own free will. She admits receipt of one time alimony of Rs.4,13,000/-.

6. In this background, in regard to the stand taken by the Respondent-Complainant, no purpose will be served in keeping prosecution pending against the Petitioner 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

7. In view of consent extended, the present Application stands allowed in terms of prayer clause (a), subject to payment of cost of Rs.5,000/- to be paid by each of the Applicant to the Central Police Welfare Fund within six weeks from today.

[N. R. BORKAR, J.]

[NITIN W. SAMBRE, J.]

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466