



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2911 OF 2023**

- | | |
|-----------------------------|----------------|
| 1. Vinod R. Medar | |
| 2. Rajshekhar K. Medar | |
| 3. Laxmi R. Medar | ...Petitioners |
| Versus | |
| 1. Shilpa V. Medar | |
| 2. The State of Maharashtra | ...Respondents |

Mr. Girish Kulkarni, Sr. Advocate a/w. Mr. Darshan Juikar and Mr. Omkar Ghag for the Petitioners.

Mr. Jigar Agarwal a/w. Mr. Niranjana Kandyala for Respondent No.1.

Mr. S.V. Gavand, APP for the Respondent No.2.

CORAM	:	NITIN W. SAMBRE & N. R. BORKAR, JJ.
DATE	:	6 OCTOBER, 2023.

PC:-

1. Heard Mr. Girish Kulkarni, learned Senior Advocate for the petitioners, Mr. Jigar Agarwal, learned Counsel for respondent No.1 and Mr. S.V. Gavand, learned APP for respondent No.2/State.

2. Mr. Agarwal, learned Counsel appearing for respondent No.1/complainant has placed on record the affidavit thereby extending consent for quashing. Mr. Agarwal has identified respondent No.1/complainant, who is present in the Court.

3. Mr. Gavand, learned APP interacted with respondent No.1/complainant and states that respondent No.1/complainant has voluntarily consented for quashing of the criminal proceedings against the petitioners which is subject matter of

the present petition.

4. The genesis of the offence is based on the allegations of cruelty and ill-treatment by the petitioners to the respondent No.1/complainant which has resulted into registration of Crime No.92 of 2016 registered with Bhoiwada Police Station, Mumbai on 18 March 2016 for the offences punishable under Sections 498-A and 406 read with 34 of the IPC.

5. The factum is that the petitioners are already charge-sheeted. We are informed that one time alimony amount agreed between the parties is Rs.5 Lakhs. Out of which, Rs.2 Lakhs has already paid to the respondent No.1 which she acknowledges through her counsel.

6. As far as balance amount of Rs.3 Lakhs is concerned, Mr.Kulkarni has handed over Demand Draft of Rs.3 Lakhs to respondent No.1/complainant, which she acknowledges.

7. In the backdrop of aforesaid, respondent No.1 who is physically present in the Court undertakes to withdraw all the proceedings against the petitioners including that which are pending on the file of Family Court. Since the statement is made on instructions, the same is accepted as Undertaking to the Court.

8. In the aforesaid background and having regard to the consent affidavit which is placed on record, no purpose will be served by keeping the criminal proceedings pending against

the petitioners. In view of the law laid down by the Apex Court in case of *Gian Singh Vs. State of Punjab & Anr.*¹, we deem it appropriate to allow the petition.

9. The Petition as such stands allowed in terms of prayer clause (a).

10. Statement made by Mr. Girish Kulkarni that the petitioners shall not file any proceedings against the respondent No.1 based on the aforesaid matrimonial dispute is accepted.

11. The Petition as such stands disposed of.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)

1 (2012) 10 SCC 303