

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

WRIT PETITION No.2910 OF 2023

Yashwant Natwarlal Sharma & Anr.

...Petitioners

Vs.

State of Maharashtra & Anr.

...Respondents

Mr. Maruti Sarkar for Petitioners

Ms. M. M. Deshmukh, Addl. PP for the Respondent-State

Mr. Datta Mane for the Respondent No. 2

Mr. Manoj Kudmate, PSI, Chembur Police Station present.

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

DATED : 18th OCTOBER, 2023

P.C.:

1. On 20/12/2011 the Petitioner No. 1 got married to the Respondent No. 2/Complainant.
2. On 11/03/2020 the Respondent No. 2/Complainant lodged a complaint alleging cruelty and offence punishable u/s.498A, 307, 406 r/w. 34 of IPC came to be registered resulting into both the Petitioners viz. Petitioner No. 1-husband and Petitioner No. 2-Father-in-Law being charge-sheeted for the aforesaid offences.
3. The Respondent No. 2/Complainant is represented by her lawyer through whom she has placed on record the Consent Affidavit.

4. Both the Counsels on instructions from their respective clients have submitted that the parties have amicably settled the matter and have arrived at consensual settlement.

5. The Petitioner No. 1-husband has deposited an amount of Rs.2,00,000/- in the pending proceedings before the Family Court, Bandra being Case No. A-1992 of 2018. The aforesaid statement made by the Petitioner No. 1-husband is accepted as an undertaking to the Court. The Respondent No. 2/Complainant is permitted to withdraw the said amount.

6. Through Smt. Deshmukh, Addl. P.P. when confronted, the Respondent No. 2 has submitted that she is voluntarily extending consent for quashing as the Petitioners and Respondent No. 2 have decided to move ahead in their life.

7. We are informed that the proceeding for divorce initiated by the Respondent No. 2/Complainant is permitted to be converted into divorce by mutual consent, which statement is also accepted.

8. In this background 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.

9. That being so, the Petition is allowed in terms of prayer clause (a) subject to payment of cost of Rs.5,000/- to be paid by the each of the Petitioner to ***Kokan Kala Va Shikshan Vikas Sanstha (Bank of Maharashtra, Account No. 60129595245, IFSC Code - MAHB0000068)*** within six weeks from today.

10. All the Petitioners shall produce the 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.

11. The Petitioner No. 1 and Respondent No. 2 have agreed that they shall not contact with each other in future.

(N. R. BORKAR, J)

(NITIN W. SAMBRE, J.)