

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

CR. WRIT PETITION NO. 2903 OF 2023

Abrar Altaf Tinwala & Ors

...Petitioners

Versus

The State Of Maharashtra & Anr

...Respondents

Mr. Rimpal Trivendi for Petitioners.

Ms. M. M. Deshmukh, APP for the Respondent-State.

Mr. Usman Memon a/w. Adv. Shikhani Shah for the Respondent
No. 2

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

DATED : 24th AUGUST, 2023

P.C.:

1. Heard respective counsels for the Petitioners, the Respondent No. 2 and learned APP, Ms Deshmukh.
2. The prayer is for quashing of the FIR and consequential charge-sheet in Crime No. 711 of 2021 registered on 22/09/2021 for the offence punishable u/s 498-A and 406 of IPC
3. The Petitioners are in-laws and the husband of the Respondent/Complainant.
4. The case of the prosecution based on the allegations of cruelty and demand of dowry etc.
5. We are informed that the parties hereto approached the

Family Court, Mumbai in M. J. Petition No. D-56 of 2020. In the said proceedings, Consent Terms are drawn and Khulanama was executed.

6. The Respondent/Complainant is present in the Court and is represented through her Counsel. The Respondent/Complainant has placed on record the Consent Affidavit thereby extending consent for quashing of the aforesaid offence stating that they have already gone for divorce by mutual consent and a Khulanama was executed. It is further informed that the proceedings under the DV Act so also the criminal proceedings are decided to be settled.

7. The contents of the Consent Affidavit are put to the Respondent/Complainant through learned APP and she has admitted the same. She has stated before this Court that she has voluntarily executed the aforesaid Affidavit of the Consent and she has no objections if the prosecution initiated against the Petitioners is quashed.

8. In this background, having regard to the order passed by the Family Court so also the Consent Affidavit placed on record by the Respondent/Complainant before this Court 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 Rs.5,000/- to be paid by **each** of the Petitioners to the Kirtikar Law Library within a period of four 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 four weeks from today, failing which the order of quashing the proceedings shall stand recalled.

(RAJESH S. PATIL, J)

(NITIN W. SAMBRE, J.)