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

CRIMINAL WRIT PETITION NO.2909 OF 2023

Milind Tukaram Kamble & Ors	...Petitioners
V/s.	
State Of Maharashtra & Ors	... Respondents

Ms. Ratna R. Jaiswal for the Petitioners.

Mr. Ajay Patil-APP/State.

Ms. Vrunda Surve a/w. M.s Trupti Chavan for the Respondent
No.3

Respondent No.2-in-person present.

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

DATED : 25th AUGUST, 2023

P.C.:

1. The prayer is for quashing of the F.I.R. in Crime No. 689 of 2019 registered at Andheri Police Station on 11th November, 2019 for the offences punishable under Sections 498-A, 406, 500, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 and consequential chargesheet filed against the Petitioners.

2. The Respondent No.3, the Complainant got married with the Petitioner No.2 on 3rd December, 2017.

3. It appears that initially both of them resided together alongwith the parents however, subsequently, it is claimed that the

Petitioners started illtreating Respondent No.3 which has resulted in registration of aforesaid offence.

4. We are informed that Petitioner No.2 has initiated Petition No.A/1331/2019 for dissolution of marriage. The said proceedings were subsequently amended under Section 13 (B) of the Hindu Marriage Act,1955 so as to have divorce by mutual consent and accordingly the consent terms for divorce by mutual consent was informed to have been executed and submitted before the Family Court in the aforesaid proceedings on 7th August, 2023. We are further informed that the said proceedings are now scheduled for hearing in September, 2023.

5. As per the settlement arrived at between the Petitioners and Respondent No.3-Complainant, the Petitioners have agreed to pay one time alimony of Rs.3,20,000/-. Before this court through the counsel for Petitioners, two demand drafts of Rs.2,20,000/- + Rs.1,00,000/- are handed over to Respondent No.3, who is physically present in the Court, which she acknowledges. Learned APP also verified the identity of Respondent No.3 from her Aadhar Card and when confronted, Respondent No.3 has agreed to having executed not only the consent terms but also the consent affidavit which is tendered before us and taken on record.

6. In the aforesaid background, Respondent No.3 has extended consent for quashing of the aforesaid offence and the chargesheet, which is informed to be out of her own free will and in the absence of there being any coercion, pressure etc. The same is accepted.

7. We are sensitive to law laid down by the Apex Court in the matter of *Gian Singh V/s. State of Punjab & Anr.* reported in *(2012) 10 SCC 303* and *Narinder Singh & Ors. V/s. State of Punjab & Anr.* Reported in *(2014) 6 SCC 129*.

8. Having regard to the stand taken by the Respondent No.3-Complainant, the prosecution initiated against the Petitioners cannot be taken to its logical end and as such, an empty formality of making the Petitioners to face the prosecution will be an useless attempt. That being so, we deem it appropriate to allow the present proceeding in terms of prayer clause (a), subject to payment of cost of Rs.10,000/- to be paid by each of the Petitioners.

9. The cost shall be paid to the Janseva Foundation to be deposited in the Bank of Maharashtra Account No.20076764639, IFSC Code MAHB0000102, within four weeks from the date of receipt of the order and a receipt to that effect be placed on record within a week thereafter, failing which the order of quashing of proceedings shall automatically stand recalled and this Court will be constrained to proceed against the Petitioner in accordance with law.

10. Petition is allowed.

(RAJESH S. PATIL, J.)

(NITIN W. SAMBRE)