

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

**CRIMINAL WRIT PETITION NO.3866 OF 2022
WITH
CRIMINAL WRIT PETITION NO.1586 OF 2022**

Abhishek Shirish Tirhekar & Ors. ..Petitioners
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Zaid Qureshi, for the Petitioners in both the Petitions
Ms. S. S. Kaushik, APP for the Respondent/State.
Ms. Panthi Desai i/b. M/s. M. P. Vashi & Associates, for the
Respondent No.2 in both the Petitions.

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

DATED : 12th OCTOBER, 2023

P.C.:

1. The prayer in WP/3866/2022 is for quashing of the FIR in C.R. No. 73 of 2022 registered on 20/01/2022 punishable u/s. 143, 147, 149, 323, 504 and 506 of IPC and in WP/1586/2022 the prayer is for quashing of the FIR in C.R. No. 139 of 2021 registered on 06/12/2021 punishable u/s. 498A, 406, 323, 504, 506 r/w. 34 of IPC.
2. The Respondent No. 2/Complainant was married to the Petitioner No. 1 on 18/10/2021. Out of differences and matrimonial discord aforesaid offences came to be registered against the

Petitioners.

3. The Respondent No. 2/Complainant through her Counsel has placed on record the Affidavit thereby extending consent for quashing stating that they have amicably resolved the dispute and differences. It is further placed on record that before the Family Court, Pune existing proceedings are sought to be converted into the proceedings for divorce by mutual consent. It is further informed that the divorce by mutual consent was allowed on 29/09/2023 by the Family Court, Pune.

4. In this background, it is claimed that the Respondent No. 2/Complainant is extending consent for quashing in the present proceedings.

5. We have requested Ms. Kaushik, learned APP to verify from the Respondent No. 2/Complainant, who is physically present in the Court to ascertain whether her act is voluntarily. The Respondent No. 2/Complainant through learned APP informed that out of her free will and without there being any force, she is extending consent for quashing. She also accepts that the divorce by mutual consent is passed on 29/09/2023 by the Family Court, Pune.

6. In this background and in view of 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.

7. That being so, both the Petitions stand allowed in terms of prayer clause (b) subject to payment of cost of Rs.10,000/- to be paid by the each of the Petitioners to ***Association of Parents of Mentally Retarded Children (State Bank of India, Account No. 00000010884930648, IFSC Code - SBIN0009056)*** within a period of six weeks from today.

8. 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 revived.

(N. R. BORKAR, J)

(NITIN W. SAMBRE, J.)