



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3066 OF 2023

Vishal Manohar Mandavkar and others ... Petitioners

Versus

The State of Maharashtra and another ... Respondents

.....

Ms. Sana Shaikh alongwith Ms. Maya Updeshe, Mr. Pratik Thadani and Ms. Kulsum Shah for the Petitioners.

Ms. Sharmila Kaushik, APP for the State.

Mr. Prasad Sankpal for Respondent No.2.

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

DATED : 19 OCTOBER 2023

P.C. :-

1. The prayer is for quashing of the FIR in Crime No.703 of 2019 registered at Worli Police Station, for the offence punishable under Sections 498A, 504, 506 r/w. 34 of Indian Penal Code, registered on 17 June 2021.

2. The petitioners are already charge-sheeted in the aforesaid crime.

3. We have heard the respective learned Counsel.

4. The quashing is sought on the ground that the parties have decided to part their ways and as such the proceedings for divorce by mutual consent are initiated and pending before the Family Court, Bandra, Mumbai vide Petition No.A-1418 of 2021. The parties have placed on record consent terms duly executed on 19 October 2023. In compliance

to the consent terms, it is brought to our notice that an amount of Rs.5 lakhs is already deposited in the Family Court through a Demand Draft dated 28 July 2023.

5. In the aforesaid backdrop, it is claimed that the respondent no.2 has agreed to withdraw the DV Act proceedings so also all the other proceedings.

6. With the assistance of the learned Counsel for the parties, we have perused the contents of the consent terms and consent affidavit.

7. Through learned APP, we got verified as to whether the contents of the consent affidavit are voluntarily to which the respondent no.2-complainant has agreed.

8. Both the parties have undertaken before us that they shall be conducting themselves in accordance with the consent terms referred above.

9. In that view of the matter, by keeping the prosecution pending against the petitioners, no purpose will be achieved. In view of law laid down by the Apex Court in the matter of *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², case for quashing is made out. As such, in view of the consent extended, Application stands allowed in terms of prayer clause (c).

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466