



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3334 OF 2023**

1. Hemant P. Mane
 2. Pandurang S. Mane
 3. Dipti S. Jadhav
 4. Trupti S. Patil
 5. Sangita S. Parab
- ...Petitioners

Versus

1. The State of Maharashtra
 2. Ashwini S. Gaikwad
@ Ashwini H. Mane
 3. The Senior Inspector of Police
Meghwadi Police Station
- ...Respondents

Mr. Vishal Deshmukh for the Petitioners.

Ms Sharmila S. Kaushik, APP for the Respondent/State.

Mr. A.S. Hingne for Respondent No.2.

**CORAM : NITIN W. SAMBRE &
N. R. BORKAR, JJ.
DATE : 11 OCTOBER, 2023.**

PC:-

1. The prayer is for quashing of FIR being Crime No.323 of 2021 registered with Meghwadi Police Station for the offence punishable under Sections 498(A), 406, 323, 504 and 506 read with 34 of the Indian Penal Code.

2. Respondent No.2 was married to petitioner on 19 February 2018. Out of matrimonial discord, alleging cruelty and

ill-treatment, the aforesaid crime came to be registered.

3. Learned counsel for respondent No.2, during the course of hearing, has placed on record the affidavit extending consent for quashing alongwith the Consent Terms dated 27 June 2023. It has been agreed between the parties that the divorce petition will be converted into that of divorce petition by mutual consent as per Section 13-B of the Hindu Marriage Act.

4. The counsel for the petitioners states that amount of Rs.2,80,000/- is already deposited pursuant to the condition No.5 of the Consent Terms in the Family Court, Mumbai in Petition No.A-397 of 2022.

5. In view of aforesaid Consent Terms, which are admitted by respondent No.2/complainant, we deem it appropriate to accept the consent extended by respondent No.2/complainant for quashing.

6. The consent is extended, as we are informed that the parties have decided to go for divorce by mutual consent.

7. In the aforesaid background and having regard to the consent affidavit which is placed on record, no purpose will be served by keeping the criminal proceedings pending against the petitioners. In view of the law laid down by the Apex Court in case of *Gian Singh Vs. State of Punjab & Anr.*¹, we deem it appropriate to allow the petition.

8. The Petition as such stands allowed in terms of prayer clause (i).

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)

1 (2012) 10 SCC 303