

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

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ANIL TIKAM
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...Petitioners

**Mr. Ratnesh Dube for Petitioners
Smt. M.M. Deshmukh, APP for the State
Mr. Vilas B. Tapkir for Respondent No.2**

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

P.C.:

2. The Petitioners have approached this Court with a prayer for

quashing of the criminal proceedings initiated against them vide Crime No. 78 of 2021 for an offence punishable under Section 498(A), 323 r/w. 34 of the IPC.

3. During pendency of the present Petition, this Court on 25th April, 2023 recorded that the parties have amicably settled their disputes and Respondent No.2 Complainant intends to file consent terms so as to support the case of the Petitioners for quashing by consent. Accordingly, the consent terms duly executed by the Petitioner and Respondent No.2 Complainant and also signed by their respective counsel, is placed on record. The consent terms provides for payment of one time alimony of Rs.7,00,000/-by the Petitioner No.1 to Respondent No.2- Complainant within a period of two months. Respondent No.2-Complainant acknowledges the receipt of the said amount, so also her Stridhan as is confirmed through the learned APP Ms. Deshmukh, who has interacted with Respondent No.2-Complainant.

4. Apart from above, Respondent No.2 as agreed, has already withdrawn proceedings being Maintenance Petition No. 261 of 2009.

5. In this background, she has willingly extended consent for quashing and has also agreed to file proceedings for divorce by mutual consent pursuant to the provisions of Section 13-B of the Hindu Marriage Act. It is further agreed that Respondent No.2 shall extend all necessary cooperation

for supporting cause for divorce by mutual consent, if such proceedings are initiated.

6. In view of the contents of the aforesaid consent affidavit being admitted by Respondent No.2 Complainant and the additional affidavit which was sworn on 26th August, 2023, thereby agreeing to comply with the consent terms by the Petitioners, we are of the view that no purpose will be served in keeping the present proceedings pending. Having regard to the stand taken by Respondent No.2 Complainant, even if the Petitioner is made to face the prosecution, same will not lead any plausible result or the object cannot be achieved.

7. In this background, having regard to 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 129*, we deem it appropriate to allow the present proceedings in terms of prayer clause (b). The prosecution against the Petitioners is quashed having regard to the consent extended by Respondent No.2 Complainant.

8. The Petitioners are directed to pay cost of Rs.25,000/- to the Association of Parents of Mentally Retarded Children to be deposited in the State Bank of India Account No.00000010884930648, IFSC Code

SBIN0009056, within four weeks from the date of receipt of the order and 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.

9. Writ petition is disposed of in the aforesaid terms.

(RAJESH S. PATIL, J)

(NITIN W. SAMBRE, J.)