



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1210 OF 2023

1. Shri Jubu K. Joy
aged 45 years, occ.

2. Shri K.K. Joy
Aged 65 years, occ.

3. Sou Leelamma K. Joy
Aged 80 years, occ.
Nos.1 to 3 are R/at Jibu
Bhuvanamma
A/p Ballikunnam,
Near Kayamkulam,
Dist. Alapuzha, Sate Kerala

4. Smt. Jetty Binu Joy
Aged 43 years. Occ.
R/at Flat No.203, Sreeji
Vandan Satyam Society,
Indira Nagar, Nashik

5. Binu Kunjappi
Age 56 years, occ.
R/at As above.

... Applicants

Versus

1. The State of Maharashtra
Through Police Inspector
Ambad Police Station,
Nashik

2. Chitra Jibu
Aged 39 years, occ. Service
R/at Sai Ganesh B,
Row House No.2,
Behind Shubham Park,
Gajanan Nagar, Kamatwade,
Ambad, Nashik

... Respondent

* * *

Mr. Sachin Gite for the Applicants.

Mr. S.V. Gavand, APP for Respondent No.1-State.

Mr. Sarfaraj Shaikh for Respondent No.2.

Chitra Jibu, through Virtual Mode (VC) present.

* * *

**CORAM : NITIN W. SAMBRE AND
N.R. BORKAR, JJ
(Through Virtual Mode)**

DATE : 10 OCTOBER 2023

P.C.

. Respondent No.2-complainant is married to Applicant No.1, whereas, Applicant Nos.2 and 3 are in-laws of Respondent No.2-complainant.

2 Out of matrimonial discord and based on the allegations of ill-treatment, the offence in Crime No.186 of 2020 punishable under Section 498A, 323, 504, 506 r/w 34 of the Indian Penal Code came to be registered on 13 March 2020, in which the Applicants are already chargesheeted.

3 The prayer of the Applicants is for quashing.

4 Respondent No.2-complainant has placed on record an affidavit, thereby extending consent for quashing. It is specifically

stated by Respondent No.2 that the Applicants and the Respondents have decided to settle the matter amicably and has drawn consent terms dated 26 June 2023

5 In the aforesaid background, as requested by learned Counsel for Respondent No.2, we have permitted the said Respondent to join herself through virtual mode, as she is informed to be in Kerala.

6 We have interacted with Respondent No.2, who is identified by her lawyer. Respondent No.2 has stated that she is extending consent for quashing and has withdrawn all other cases against the Applicants. It is also informed that proceedings for divorce by mutual consent is still pending, in which, Applicant No.1 has agreed to extend consent.

7 The aforesaid position is not disputed by learned Counsel for the Applicants, who has stated that Applicant No.1 shall be extending consent for divorce by mutual consent.

8 In the aforesaid background, having regard to the stand taken by Respondent No.2-complainant, no purpose will be served in keeping the prosecution pending against the Applicants,

particularly, having regard to the law laid down in the cases of **Gian Singh Vs. State of Punjab¹** and **Narinder Singh Vs. State of Punjab²**.

9 In that view of the matter, the present Application stands allowed in terms of prayer clause (a), subject to payment of costs of Rs.10,000/- (Ten Thousand Only) to be paid by each of the Applicants to 'Pasaydan Balvikas Foundation', Bank Name : Central Bank of India, Account No.3775403155, IFSC Code : CBIN0285070 within a period of six weeks from today.

10 All the Applicants shall produce the copy of the receipt of payment of aforementioned costs in the Registry within a period of six weeks from today, failing which, the Order of quashing the proceedings shall stand recalled.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466