



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPLICATION NO. 1276 OF 2023**

- | | | | |
|----|--------------------------|--|----------------|
| 1. | Rohit B. Ahuja | | |
| 2. | Aditi B. Ahuja | | |
| 3. | Suman B. Ahuja | | |
| 4. | Bharat A. Ahuja | | ...Applicants |
| | Versus | | |
| 1. | The State of Maharashtra | | |
| 2. | Nidhi R. Ahuja | | |
| | Nee Nidhi S. Dadwal | | ...Respondents |

Mr. Harshavardhan Khambete for the Applicants.
Mr. S.V. Gavand, APP for the Respondent/State.
Mr. Gautam Jain for Respondent No.2.

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

PC:-

1. Applicant No.1 was married to respondent No.2 on 22 May 2017. Applicant Nos.2,3 and 4 are in-laws of respondent No.2. Out of matrimonial discord, alleging cruelty and ill-treatment, offence being Crime No.81 of 2022 punishable under Sections 377, 498-A, 406 and 323 read with 34 of the Indian Penal Code came to be registered with Central Police Station, Ulhasnagar-3, Thane.

2. The applicants are charge-sheeted for the aforesaid offence.

3. The parties have drawn Consent Terms, which are informed to be submitted in Marriage Petition No.710 of 2023 pending on the file of Civil Judge, Senior Division, Kalyan. The respondent No.2/complainant has acknowledged the receipt of amount of Rs.4 lakhs. The applicants particularly, applicant No.1 has assured that on the date of filing of Consent Terms before the Court below seeking divorce by mutual consent balance amount of Rs.3,50,000/- will be paid to the respondent/complainant. The said statement made on instructions is accepted as a undertaking to the Court.

4. Copy of the Consent Terms filed in Marriage Petition No. 710 of 2023 before the Civil Judge, Senior Division at Kalyan is also placed on record.

5. In aforesaid background, the respondent No.2/complainant placed on record the affidavit dated 18 September 2023 extending consent for quashing. In the said affidavit, it has been stated that they have resolved their differences between the applicant No.1 and respondent No.2/complainant so also the applicant No.1 and respondent

No.2 have already withdrawn all allegations against each other in the divorce proceedings. It is further stated that as the applicant No.1 and respondent No.2/complainant has decided to part their ways, she does not want to prosecute the criminal case against the applicants and as such she has extended no objection for quashing.

6. Through learned APP, respondent No.2 has confirmed that she has extended the consent, out of her own free will and without any coercion. In the aforesaid background, we deem it appropriate to accept the consent extended by respondent No.2/complainant.

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 applicants. In view of the law laid down by the Apex Court in cases of (i) *Gian Singh Vs. State of Punjab & Anr.*¹ & (ii) ***Narinder Singh & Ors. Vs State of Punjab & Anr.***², we deem it appropriate to allow the petition.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

8. The Petition as such stands allowed in terms of prayer clause (a), (b) & (c), subject to payment of cost of Rs.10,000/- by each of the applicant to be deposited with Central Police Welfare Fund within six weeks from today and the receipt of payment of cost shall be produced with the Registry within same period, failing which the order of quashing the criminal proceedings shall stand recalled.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)