

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.1429 OF 2019

Aishwarya P. Bhoir & Ors.

.....Applicants

Vs.

State of Maharashtra & Anr.

.....Respondents

Mr. Satyajeet Dighe for the Applicants.

Mr. K. V. Saste, APP for the Respondent-State

Mr. Prasanna Bhoir - the Respondent No. 2

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

DATED : 19th AUGUST, 2023

P.C.:

1. The prayer is for quashing of FIR in Crime No. 175 OF 2019 for the offence punishable u/s 380 r/w. 34 which has given rise to filing of Regular Criminal Case No. 934 of 2021 pending on the file of Judicial Magistrate First Class, Bhiwandi, District-Thane.
2. The Applicant No. 1 and the Respondent No. 2/Complainant are husband and wife. The genesis of the offence is, the Respondent No. 2/Complainant who is present in the Court has stated that his jewelry was stolen by the Applicants.
3. It appears that there is matrimonial discord and the parties in Hindu Marriage Petition No. 50 of 2021 decided on 24/01/2023 by the Joint Civil Judge, Senior Division, Nandurbar has granted

decree for divorce by consent u/s 13(B) of the Hindu Marriage Act, 1955.

4. In the Consent Decree, one of the term was the Respondent No. 2/Complainant will extend consent for quashing of the aforesaid offence as reflected in paragraph no. 5 of the Consent Decree.

5. In view of the aforesaid background, the Respondent No. 2/Complainant is present in the Court and is identified by the Investigating Officer so also from his Aadhaar Card, which is shown to learned APP.

6. Mr. Prasanna Shankar Bhoir, the Respondent No. 2/Complainant who is present in the Court in-person, informs that he has voluntarily consented for quashing of the FIR particularly having regard to the divorce by mutual consent and the settlement arrived at.

7. Since the aforesaid statement is made by the Respondent No. 2/Complainant, who is physically present in the Court, voluntarily and out of his own free will, the same is accepted as an undertaking to this Court.

8. Based on the aforesaid statement of the Respondent No. 2/Complainant and in view of 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*** no purpose will be served by keeping the proceedings pending against the Applicants.

9. That being so, the Application is allowed in terms of prayer clause (a) and a(i).

(R. N. LADDHA, J)

(NITIN W. SAMBRE, J.)