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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4611 OF 2022**

Aniket Ashok Kakad and Ors.Petitioners
V/s
The State of Maharashtra & Ors.Respondents

Mr. Sarthak Diwan for the Petitioners.
Mr. S.V. Gavand, APP for the Respondent/State.
Mr. Akshay Kulkarni for Respondent No.2.

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

DATE: OCTOBER 07, 2023

P.C.:-

1] Petitioners are accused in Crime No.I-214 of 2021 registered with Gangapur Police Station, Nashik for the offence punishable under Sections 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code. Petitioners are seeking quashing on the ground that contents in the charge-sheet do not satisfy necessary ingredients.

2] Respondent No.2 – Shraddha Aniket Kakad is physically present in Court. She has tendered consent affidavit through her Counsel Mr. Akshay Kulkarni. We have requested learned APP Mr. Gavand to interact with said Respondent No.2 as this Court is surprised that Respondent No.2 is settling the matter without asking for any alimony. In response to above, we are informed that she has voluntarily and out

of her own free will has given consent as she intends to pursue her studies in Masters in Pharmacy and wants to settle down in life forgetting her past. As such, it is claimed that she is extending consent for quashing.

3] Both of us after interacting with Respondent No.2 are satisfied that she is extending consent voluntarily and out of her own free will. That being so, considering the nature of allegations and as the offence is registered out of matrimonial discord, we deem it appropriate to allow the present Petition in view of the joint request made by the parties and also in view of the judgments of the Apex Court in *Gian Singh Vs. State of Maharashtra* reported in (2012) 10 SCC 303 and in *Narinder Singh & Ors. vs. State of Punjab & Anr.* reported in (2014) 6 SCC 466

4] Accordingly, Petition is allowed in terms of prayer clause (a).

(N. R. BORKAR, J.)

(NITIN W. SAMBRE, J.)