

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1225 OF 2022

Kamal Kishor Mishra ...Applicant

Versus

Yasmin Kamal Mishra and anr. ...Respondents

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Mr. Ashok Bhatia for the Applicant.
Ms. Sharmila S. Kaushik, APP for the State.
Mr. Anand Patil for Respondent No. 2.
Mr. B. V. Gaonkar, PSI, Amboli Police Station, Mumbai Present.

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

DATED : 6 OCTOBER 2023

P.C. :-

The applicant came to be charge-sheeted pursuant to the complaint dated 19 October 2022 for offence punishable under Sections 279, 337, 307, 134A, 134B in Crime No. 1036 of 2022 registered with Amboli Police Station.

2. The applicant and respondent No. 1 are the husband and wife. Out of matrimonial discord, the respondent No. 1 started residing separately.

3. It appears from the contents of the FIR that applicant attempted to commit the murder of the respondent No. 1 by hitting her with the car resulting into the registration of the aforesaid offence.

4. The respondent No. 1, wife of the applicant is physically present in the Court and through Mr. Patil, her counsel has submitted that she has voluntarily placed on record consent affidavit. It is further informed that the applicant and respondent No. 1 has started residing together after forgetting their past differences. As such she is extending consent for quashing so as to avoid any further differences because of pendency of the present criminal proceeding.

5. In view of the stand taken by the respondent No. 1, we have requested Ms. Kaushik, learned APP to verify from respondent No. 1 whether she has voluntarily given her consent for quashing.

6. In response to above, after verifying identity of respondent No. 1 from her Aadhaar Card Ms. Kaushik, learned APP informs that the respondent No. 1 has voluntarily given aforesaid affidavit and is extending consent out of her own free will.

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 & Anr. reported in (2012) 10 SCC 303** and **Narinder Singh & Ors. Vs. State of Punjab & Anr. reported in (2014) 6 SCC 466**, no purpose will be achieved by keeping the prosecution pending against the applicant.

8. As a sequel of above, the present application stands allowed in terms of prayer clause (a) subject to payment of cost of Rs. 1 Lakh to be paid to the Children AID Society, Bank Name – UCO Bank, Account Number – 02370100005612, IFSC Code – UCBA0000237 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. The Application is disposed of in aforesaid terms.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)