

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPLICATION NO. 101 OF 2023**

Deepak Appu Shetty ...Applicant  
Versus  
Divya Deepak Shetty and Anr. ...Respondents

Mr. Ranjit Singh i/by Ranjit Singh & Associate, Advocate for Applicant.  
Mr. Shivjeet Singh i/by Mr. Vikas Tiwari, Advocate for Respondent No.1.  
Mrs. M.M. Deshmukh, APP for the Respondent–State.  
Divya Shetty, Respondent No.1 Present in Person.

**CORAM : A.S. GADKARI AND  
PRAKASH D. NAIK, JJ.**

**DATE : 13<sup>th</sup> APRIL, 2023.**

**P.C. :-**

1. This is an application under Sections 482 of Code of Criminal Procedure preferred by Applicant for quashing the proceedings in C.C. No.2399/PW/2022 pending before the Court of learned Metropolitan Magistrate 26<sup>th</sup> Court at Borivali, Mumbai.

2. First Information Report (for short 'FIR') was registered with Dahisar Police Station on 19<sup>th</sup> October, 2021 vide C.R. No.1131 of 2021 for offences under Sections 498-A, 509, 406, 506, 323 of Indian Penal Code (for short 'IPC') at the instance of Respondent No.1.

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3. The first informant is alleged that, her marriage was solemnized with Applicant on 10<sup>th</sup> April, 2008. Pursuant to marriage she was illtreated by the Applicant/Accused. There was demand of money. The Accused suspected her character. She was assaulted, threatened and there was physical and mental torture. On completing investigation charge-sheet was filed.

4. The Applicant and Respondent No.1 settled the differences and agreed to dissolve their marriage by mutual consent. Petition under Section 13(B) of Hindu Marriage Act, 1955 for divorce by mutual consent was filed before the Family Court at Bandra Mumbai. Consent terms executed between the parties which are annexed to this application indicate that, the parties have agreed to withdraw the allegations against each other and the Respondent No.1 has no objection for quashing the FIR in C.R. No.1131 of 2021 and the consequential proceedings in C.C. No.2399/PW/2022. The said fact is reflected in Clause No.5 of the consent terms.

5. The Respondent No.1/complainant is present in the Court. Affidavit of consent terms executed by Respondent No.1 is placed on record. She has confirmed the contents of the said affidavit and reiterated that she has no objection for quashing the impugned proceedings. Paragraph No.7 of the affidavit states that, the

Respondent No.1 gives her consent to quash the case against the Applicant. The affidavit is taken on record.

6. The impugned proceedings arises out of matrimonial discord. The parties have executed consent terms. Joint Petition was filed by mutual consent for divorce. The Respondent No.1 has agreed for quashing the proceedings with her consent. Hence, the relief sought in this Application can be granted.

**ORDER**

- i. Criminal Application No.101 of 2023 is allowed.
- ii. Proceedings in C.C. No.2399/PW/2022 pending before the Court of learned Metropolitan Magistrate 26<sup>th</sup> Court at Borivali, Mumbai are quashed and set aside.

**[PRAKASH D. NAIK, J.]**

**[A.S. GADKARI, J.]**