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

WRIT PETITION No. 1914 OF 2023

Vipul Kantilal Nagda and Ors. ...Petitioners
Vs.
State of Maharashtra and Anr. ...Respondents

Mr. Husen Shaikh for Petitioners
Mr. Ajay Patil, APP for the State
Ms. Tabassum Khan for Respondent No.2

**CORAM : NITIN W. SAMBRE &
RAJESH S. PATIL, JJ**

DATED : 8th SEPTEMBER, 2023

P.C.:

1. Prayer is for quashing the FIR in Crime No.T- 284 of 2017 for offence punishable under Sections 377, 498(A), 406, 323, 504, 506(2), r/w. 34 of the IPC, registered on 5th August, 2017. The Petitioners are already charge-sheeted.
2. Respondent No.2-Complainant has placed on record affidavit sworn on 14th July, 2023 extending consent for quashing.
3. It is stated in the said affidavit that both the parties have amicably resolved their differences and as such, Respondent No.2- Complainant is extending consent for quashing. It is further informed that the parties have placed on record the consent terms before the Learned Family Court at Bandra in Divorce Petition No. F-4020 of 2022 and have decided to part V.A. Tikam

their ways in their individual interest.

4. Respondent No.2- Complainant, who is present in the Court is identified by her lawyer. Pursuant to the request, the learned APP has interacted with Respondent No.2-Complainant and Respondent No.2 through learned APP informed that she has voluntarily executed the consent affidavit.

5. In support of the aforesaid view, reliance can be placed on the Judgment of the Apex Court in the matter of **Sonu @ Subhash Kumar Vs. State of Uttar Pradesh & Anr. [Criminal Appeal No. 233 of 2021 arising out of SLP (Cri) No. 11218 of 2019]**.

6. In view of above, we deem it appropriate to allow the prayer for quashing by consent in terms of prayer clause (a) as no purpose will be served by keeping the present proceedings pending having regard to the stand taken by Respondent No.2- Complainant, subject to payment of cost of Rs.25,000/- each by the Petitioners.

7. The cost shall be paid to the Janseva Foundation to be deposited in the Bank of Maharashtra Account No.20076764639, IFSC Code MAHB0000102, within four weeks from the date of receipt of the order and a receipt to that effect be placed on record within a week thereafter, failing

which the order of quashing of proceedings shall automatically stand recalled and this Court will be constrained to proceed against the Petitioner in accordance with law.

8. Writ Petition is disposed of in the aforesaid terms.

(RAJESH S. PATIL, J)

(NITIN W. SAMBRE, J.)