

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1520 OF 2016

Kamlesh Kumar Prakashchand Jain and ors. ...Applicants

Versus

Trupti Kamlesh Jain and anr. ...Respondents

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Mr. Sanjay Kulkarni for the Applicant.
Mr. Ajinkya Udane for Respondent No. 1.
Mr. S. V. Gavand, APP for the State.

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

DATED : 6 OCTOBER 2023

P.C. :-

This is an application by the husband and in-laws seeking quashing of the criminal proceedings, which are pending against all the applicants vide Regular Criminal Case No. 4721 of 2016 on the file of Judicial Magistrate, First Class, Pune arising out of Crime No. 41 of 2016 punishable under Sections 498-A, 406, 420, 504 r/w 34 of the Indian Penal Code.

2. The genesis of the offence is based on ill-treatment and cruelty inflicted by the applicants after marriage dated 5 June 2015 between

the respondent No. 1 and applicant No. 1.

3. The applicants are seeking quashing based on the ground of false implication.

4. Learned counsel for respondent No. 2 has placed on record consent affidavit thereby extending consent for quashing. It is claimed that the non applicant No. 1 has already received an amount of Rs. 5 Lakhs on 10 December 2019 towards one time alimony.

5. The respondent No. 1 has withdrawn the proceedings filed under Protection of Woman from Domestic Violence Act. The marriage is already dissolved.

6. In the aforesaid background, the respondent No. 1 is voluntarily and on her free will extending consent for quashing.

7. We have requested Mr. Gavand, learned APP to verify the aforesaid fact from the respondent No. 1, who is physically present in the Court. Mr. Gavand, learned APP informs that he has verified the identity of the respondent No. 1 from Aadhaar Card. The respondent No. 1 through learned APP states that she is voluntarily extending consent for quashing.

8. In view of 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**, case for quashing is made out. As such, in view of the consent extended, the Application stands allowed in terms of prayer clause (a) subject to payment of cost of Rs. 5,000/- each by the applicants to the Central Police Welfare Fund within a period of 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.)