

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1416 OF 2023

Ankur Santosh Dube and others ... Petitioners

Versus

The State of Maharashtra and another ... Respondents

.....

Mr. Sherali Khan for the Petitioners.

Mr. S.V. Gavand, APP for the State.

Mr. M.G. Shukla for Respondent No.2 (appointed).

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

DATED : 9 NOVEMBER 2023

P.C. :-

1. Leave to correct the crime number in consent terms/affidavit. Amendment to be carried out forthwith.
2. A prayer is for quashing of FIR in crime no.825 of 2022 for an offence punishable under Sections 498A, 323, 406, 504, 506 r/w. 34 of Indian Penal Code, registered on 26 September 2022.
3. Respondent No.2-complainant got married with petitioner no.1 on 12 February 2020. Alleging demand of dowry and harassment, complaint came to be lodged, which resulted into registration of the aforesaid crime.

4. Pursuant to the request made by this Court, Mr. Gavand, learned APP has acted as a Mediator in the matter. The learned APP Mr. Gavand submits that mediation is successful. We appreciate his efforts.
5. The parties have jointly executed the consent terms and the affidavit to that effect.
6. The said consent terms are made part of this order which is marked 'X' for identification.
7. In the aforesaid backdrop, it is claimed that both the parties have decided to part their ways, amicably.
8. Apart from above, first installment of the alimony is already received by the respondent-complainant alongwith the three gold ornaments as is reflected in our order dated 7 November 2023.
9. A joint request is made by both the parties i.e. petitioner no.1 and respondent no.2 that since both of them have agreed to move for divorce by mutual consent under Section 13(1-B) of the Hindu Marriage Act, the notice period of six months prescribed under sub-section (2) of the said provision, be dispensed with.
10. Since the parties have already decided to part the ways with a view to move ahead in the life, a joint request as made herein above, in our opinion needs to be granted. In case if the parties move before the Family Court with a prayer for divorce by mutual consent pursuant to the provisions of Section 13(1-B), the notice period provided under sub-section (2) of Section 13(1-B) shall be waived.

11. In the aforesaid backdrop, having regard to the stand taken by the respondent no.2 in the consent affidavit, there are hardly any chances of conviction in the matter.

12. That being so, we deem it appropriate to allow the present petition in terms of prayer clause (a).

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)