

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 188 OF 2023

Maya Gangaram Salvi and others ... Applicants

Versus

The State of Maharashtra and another ... Respondents

WITH

CRIMINAL APPLICATION NO. 499 OF 2023

Vishal Gangaram Salvi ... Applicant

Versus

The State of Maharashtra and another ... Respondents

.....

Mr. Pratap Patil alongwith Mr. Moosa Thakur for the Applicants.

Ms. M.M. Deshmukh, APP for the State.

Mr. Nitin Gaware Patil instructed by Mr. Vijay Hinge for Respondent No.2.

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**CORAM : PRAKASH D. NAIK &
N.R. BORKAR, JJ.**

DATED : 20th FEBRUARY 2024

P.C. :-

. During the pendency of the Application, charge-sheet is filed. The applicants are permitted to carry out requisite amendment. Leave granted to amend to challenge the charge-sheet and amend the prayer clause of the application. Applicant is also permitted to add co-accused as applicant No.8 in Criminal Application No.188 of 2023. Amendment to be carried out forthwith.

2. The Applicants in both these applications are challenging the First Information Report dated 16th August 2022 registered with Navghar Police Station vide C.R. No.636 of 2022 for the offences under Sections 498A, 406, 427, 323, 504, 506, 507, 509 of Indian Penal Code and the consequential charge-sheet No.215 of 2023 dated 31st May 2023 and also Regular Criminal Case No.2305 of 2023 pending on the file of Judicial Magistrate First Class, Thane.

3. The parties have settled the dispute and this Court vide order dated 17th October 2023 permitted the husband to deposit an amount of Rs.6 lakhs in this Court so as to test his bonafides. Vide order dated 1st November 2023, it was recorded that the applicant/husband has filed an Affidavit on record stating that he is ready to deposit the amount of Rs.6 lakhs in this Court. However, it is not possible for him to deposit the entire amount of Rs.6 lakhs in one stroke, permission was sought to deposit the amount of Rs.3 lakhs within two weeks and the remaining amount of Rs.3 lakhs within one week thereafter. It was also stated that the balance amount of Rs.6.50 lakhs shall be deposited on or before 31st December 2023. It was also submitted that the proceedings which are initiated by the applicant/husband for divorce are consented to be converted into that of proceedings for grant of divorce by mutual consent under Section 13-B of the Hindu Marriage Act and the parties are agreed to dissolve the marriage by consent by converting the petition for divorce into divorce by mutual consent under Section 13-B of the Hindu Marriage Act. The amount of Rs.12.50 lakhs is deposited in this Court. The complainant has agreed to extend consent for conversion of the existing divorce proceedings into that of the proceedings for divorce by mutual consent under Section 13B of the Hindu Marriage Act and has

also undertaken to extend consent for divorce by mutual consent. It is also agreed that once such decree for divorce is passed in Marriage Petition No.783 of 2022 pending on the file of Civil Judge Senior Division, Panvel and the proceedings being D.V. Petition No.28 of 2023 pending on the file of 8th J.M.F.C., Thane are withdrawn, the present proceedings can be taken up for quashing by mutual consent. The Court of Senior Division, Panvel waived the statutory notice as prescribed under sub-section (3) of Section 13B of the Hindu Marriage Act so as to facilitate the Court to pass the decree of divorce by mutual consent expeditiously. The matter was posted to 9th January 2024 for further consideration. Subsequently, it was adjourned till today.

4. Both the sides submitted that decree of divorce by mutual consent was passed. The complainant has agreed to consent for quashing the impugned proceedings. It is also agreed that amount of Rs.12.50 lakhs deposited in this Court be allowed to be withdrawn by the complainant/wife in her maiden name which is spelt out in the title of the divorce decree.

5. Considering the fact that parties have settled the dispute and the F.I.R. has arisen due to matrimonial discord between the parties, the impugned proceedings can be quashed.

ORDER

(i) Criminal Application No. 188 of 2023 and Criminal Application No.499 of 2023 are allowed.

(ii) First Information Report dated 16th August 2022 registered with Navghar Police Station vide C.R. No.636 of 2022 and the consequential charge-sheet No.215 of 2023 dated 31st May 2023 and

Regular Criminal Case No.2305 of 2023 pending on the file of Judicial Magistrate First Class, Thane are quashed and set aside.

(iii) The complainant/wife is permitted to withdraw the amount of Rs.12.50 lakhs in R.C.C. No.2305 of 2023 by her in her maiden name Ms. Aparna Dharmapal Jagtap.

(iv) Both the Criminal Applications stands disposed off.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)