

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 72 OF 2024**

1. Akshay s/o. Pramod Shinde	]	
2. Pramod s/o. Shankar Shinde	]	
3. Prema w/o. Pramod Shinde	]	
4. Shweta d/o. Pramod Shinde	]	... Petitioners
V/s.		
1. The State of Maharashtra	]	
2. Ulhas s/o. Vishwanath Jadhav (deleted)	]	
3. Komal w/o. Akshay Shinde	]	... Respondents

Mr. Sagar Wakale a/w. Mr. Ganesh Jadhav h/f. Mr. Abhishek Kulkarni for Petitioners.

Mr. Anand S. Shalgaonkar, A.P.P. for Respondent-State.

Mr. Siddhesh Bane a/w. Mr. Saurabh Butala for Respondent No.3.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.**

DATE : 30th July 2024.

PC. :

1) Husband, father-in-law, mother-in-law and sister-in-law of Respondent No.3 respectively, have filed present Petition for quashing of R.C.C. No. 650 of 2023 pending on the file of 5th Judicial Magistrate First Class, Kalyan, arising out of C.R. No. 0207 of 2013 dated 30th March 2023, registered with Kolshewadi Police Station, District Thane, under Sections 498-A, 315, 323, 504 read with 34 of Indian Penal Code, with the consent of Respondent No.3, the informant.

2) Learned Advocate for Respondent No.3 submitted that, the Respondent No.3 has filed an Affidavit dated 9th July 2024 duly affirmed before a Notary Public. It is stated therein that, the Respondent No.3 and Petitioner No.1 have filed 'Consent Terms' in M.P. No. 569 of 2023 pending on the file of Civil Judge (*sic* Senior Division) Kalyan and has settled their disputes and differences amicably. In para No.7 thereof, she has agreed to give consent to quash the said crime.

2.1) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 9th July 2024 and her 'no objection' for quashing of the crime in question.

3) In view thereof, Petition is allowed in terms of prayer Clause (C).

4) It pains us to note the following things :-

(i) *The Affidavit dated 9th July 2024 of Respondent No.3 is drafted by an Advocate and filed on record as per the procedure. In para No.4 thereof, the complete designation of the learned Judge or the Court is not mentioned and it is casually mentioned that, "That the parties have also filed consent terms in M.P. No. 569 of 2023 pending before the Ld. Civil Judge, Kalyan"*

(ii) *In para No.7 thereof, the statement of Respondent No.3 is drafted as, "That I have agreed to give consent to quash subject FIR No. 207 of 2023 registered with Kolshewadi Police Station, Kalyan against the Petitioners."*

4.1) There is no pleadings to the effect that, the Respondent No.3 is giving consent for quashing of the crime or she has no objection for quashing

of the crime, which according to us is the basic requirement.

4.2) According to us, the Affidavit so drafted and presented before this Court is with utmost casualness and without even perusing the documents given by the Respondent No.3 to her Advocate, who bestowed complete faith in her Advocate to do the needful as per the provisions of law and procedure prescribed therein.

4.3) The above two instances are quoted are illustrative and not complete in all senses.

However, at the request of Mr. Butala, learned Advocate for Respondent No.3 we leave this issue at this stage.

4.4) However, we deem it appropriate to impose a cost of Rs.10,000/- upon the draftsman of the said Affidavit dated 9th July 2024 for placing before this Court incomplete information regarding the trial Court proceedings and causing unnecessary inconvenience to this Court. The said cost be paid to Kirtikar Law Library, High Court, Mumbai, within a period of two weeks from the date of uploading of this Order on the official website of the High Court of Bombay.

4.5) List the Petition on board on 20th August 2024 under the caption 'For Reporting Compliance'.

(DR. NEELA GOKHALE, J.)

(A.S. GADKARI, J.)