

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4758 OF 2024

Mr. Ankit Subhash Vohra,
Age : 41 years, Occ. : Service,
Address : Flat No. 501, 5th Floor,
Platinum Planwoods, Sector 38,
Nerul, Navi Mumbai – 400 706.

.....Petitioner
(Original Accused)

Vs.

1. Ms. Rishabha Bhandari @ (Orig. Complt.)
Rishabha Ankit Vohra,
Aged about 38 years, Occ. : Service,
Presently residing at Flat No. 501,
Trishul Garden, Sindhi Society, Chembur,
Mumbai – 400 071.
2. The State of MaharashtraRespondents

Mr. Laxman P Kanal a/w Ms. Divya Kanal for the Petitioner.
Mr. Darshit Jain for Respondent No. 1.
Ms. Mahalakshmi Ganapathy, A.P.P for the Respondent-State.

CORAM : M. S. KARNIK AND
DR. NEELA GOKHALE, JJ.
DATE : 21st NOVEMBER 2024.

ORDER (Per Dr. Neela Gokhale, J) :-

1) The Petitioner, accused in Criminal Case No. 617/PW/2016 pending on the file of learned Judicial Magistrate, 11th Court at Kurla, Mumbai arising out of C. R. No. 17 of 2015 dated 21st May 2015 registered with Chembur Police Station, Mumbai for the offence punishable under Section 66(c) of the Information Technology Act, 2000, has invoked

jurisdiction of this Court under Article 226 of the Constitution of India and under Section 482 of the Criminal Procedure Code, 1973, for quashing of the said case, with the consent of Respondent No. 1, the complainant.

2) The Petitioner got married with Respondent No. 1 on 12th October 2011 as per Hindu Vedic Rights and Rituals. Out of the said wedlock, they have a son viz. Vihan. Due to *interse* disputes and differences between them, Respondent No. 1 lodged a complaint against the Petitioner and subsequently she filed a Petition for dissolution of marriage before the Family Court on 1st July 2013. The marriage is dissolved by the Family Court vide its judgment and order dated 12th February 2019.

3) Mr. Laxman Kanal, learned counsel appears for the Petitioner and Smt. Mahalakshmi Ganapathy, learned APP represents the State. Mr. Darshit Jain, learned counsel appears for the Respondent No. 1.

4) Learned counsel for the Petitioner submitted that, the Petitioner and Respondent No. 1 have settled their disputes and differences amicably and Respondent No. 1 has given her consent for quashing of the crime in question. That, Respondent No. 1 has filed an Affidavit dated 7th November 2024 to that effect, duly affirmed before a Notary Public. He therefore prayed that the said case may be quashed, with the consent of Respondent No. 1.

4.1) In paragraph No. 4 thereof, it is stated that Respondent No. 1 has decided to withdraw the present pending matter filed against the

Petitioner and she do not wish to pursue with the same. In paragraph No. 5 thereof, the Respondent No. 1 has prayed for quashing and setting aside the present criminal proceedings.

5) The Respondent No. 1 was present in the Court and she was identified by her counsel. Through her counsel, she reiterated the statements made in the consent Affidavit.

6) We have perused the F.I.R. and chargesheet.

6.1) Considering the facts in the present case and the consent Affidavit of Respondent No. 1, we are inclined to quash and set aside the Criminal Case No. 617/PW/2016 pending on the file of learned Judicial Magistrate, 11th Court at Kurla, Mumbai arising out of C. R. No. 17 of 2015 dated 21st May 2015 registered with Chembur Police Station, Mumbai.

7) In view of the above, Petition is allowed in terms of prayer clause (b).

7.1) Petition is disposed of accordingly.

(DR. NEELA GOKHALE, J.)

(M. S. KARNIK, J.)

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by GITALAXMI
KRISHNA
KOTAWADEKAR
Date: 2024.11.22
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