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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (APL) NO. 411 OF 2024

Sunny Dinesh Damania and ors.

... Applicants

V/s.

The State of Maharashtra and anr.

... Respondents

Mr. Omkar Nagvekar i/b Ms.Prabha Badadare, for Applicants.

Dr. Samarth Shrikant Karmarkar a/w Ms.Priti Rita i/b Karmarkar & Associates, for Respondent No.2.

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

Mr. S.L. Doke, PSI, Borivali Police Station, present.

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

DATE : 21st August 2024.

P.C. :

1) Husband and in-laws of Respondent No.2 have filed present Application under Section 482 of the Code of Criminal Procedure for quashing of C.R. No. 765 of 2023 registered with Borivali Police Station, Mumbai for the offence punishable under Sections 498A, 504, 506 read with 34 of the Indian Penal Code, with the consent of Respondent No.2, the informant.

1.1) Learned Advocate for the Applicants submitted that till date, the police have not filed charge-sheet.

2) Dr. Karmarkar learned Advocate appearing for Respondent No.2

submitted that the Applicant No.1 and the Respondent No.2 have settled their disputes and differences and have filed a Petition for divorce by mutual consent under Section 13(B) of the Hindu Marriage Act, 1955 before the learned Civil Judge, Senior Division at Palghar. That, the terms and conditions on which the Applicant No.1 and the Respondent No.2 have filed the said Petition for divorce by mutual consent are elaborately narrated in paragraph 9 of the said Petition. He submitted that the Respondent No.2 has already filed on record an Affidavit dated 8th August 2024 duly affirmed before a Notary Public. To the said Affidavit, a copy of Marriage Petition No. 146 of 2024 filed before the learned Civil Judge, Senior Division, Palghar is annexed. That, in paragraph no.3 of the said Affidavit, the Respondent No.2 has admitted the fact of filing of the said Marriage Petition No. 146 of 2024 for divorce under Section 13(B) of the Hindu Marriage Act. In paragraph no.4 thereof, the Respondent No.2 has given her 'no objection' for quashing of the present crime.

2.1) Mr. Nagvekar on instructions submitted that the Applicants and in particular, Applicant No.1 is abided by and would adhere to all the terms and conditions mentioned in paragraph no. 9 of the said Petition and will perform his part of obligation without any demur. The said statement is accepted as an undertaking given to this Court.

2.2) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 8th August 2024

and her 'no objection' for quashing of the crime in question.

3) In view thereof, Application is allowed in terms of prayer clause (b).

(DR. NEELA GOKHALE, J.)

(A.S. GADKARI, J.)