



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.423 OF 2024

Sumeet Prakash Asnani

.....Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

WITH

CRIMINAL APPLICATION NO.426 OF 2024

Prakash Asnani & Anr.

.....Applicants

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Dilip H. Shukla, for the Applicants.

Mr. S. A. Karmakar, APP for Respondent No.1-State.

Ms. Aqsa Tajuddin, i/b. Mr. Parmeshwar Pandey, for Respondent No.2.

CORAM : SARANG V. KOTWAL AND

DR. NEELA GOKHALE, JJ.

DATE : 16th OCTOBER 2024.

P.C.:-

1) The Applicants in both the Applications seek quashing of C.C.No.4401193/PW/2024 pending before the Judicial Magistrate First Class, 44th Court, Andheri, Mumbai arising from F.I.R. No.57 of 2024 dated 30th January 2024 registered in Varsova Police Station, Mumbai. The Applicant in Criminal Application No.423 of 2024 is the husband of First Informant Respondent No.2 and the Applicants in Criminal Application No.426 of 2024 are the parents-in-law of the

Respondent No.2. Both the Applications are being disposed of by the present common order, since the same criminal proceeding is subject matter of both the Applications.

2) The Respondent No.2 has alleged in the F.I.R. that she was married to the Petitioner No.1 on 24th November 2009 and she started residing with him in his home since then. Soon after the marriage, she realized that the Petitioner husband was addicted to alcohol. On one occasion he abused her in a drunken condition. The other Applicants, i.e., her parents-in-law also abused her on number of occasions on the ground that her parents had not given her enough ornaments and money at the time of the marriage as well as at the time of a *mundan* ceremony of their son. She has narrated number of instances of cruelty inflicted on her by the Applicants. She contends that all these led to the marital discord between the parties, eventually leading her to filing the present F.I.R.

3) After investigation the Investigating Agency has filed the chargesheet before the concerned Court. The chargesheet contains statements of witnesses including that of the mother and friend of Respondent No.2. The statements corroborate the allegations made by her in the F.I.R.

4) It transpires that the parties have settled the matter amicably and accordingly, they have decided to dissolve their marriage by seeking a decree of divorce in the Family Court at Bandra in terms of Consent Terms as agreed between the parties.

5) The Respondent No.2 has filed her Affidavit dated 16th October 2024 duly affirmed before a Notary Public. Paragraph No.6 of the Affidavit provides that she has given her no objection to the quashing of the present F.I.R. and criminal proceeding on the basis of Consent Terms which are filed in the Family Court at Bandra.

6) The Respondent No.2 is present in Court and through her counsel reiterates her statements made in her Affidavit. She is identified by her counsel.

7) In view of the personal nature of the proceeding, we are inclined to quash and set aside the criminal proceeding bearing C.C.No.4401193/PW/2024 pending before the Judicial Magistrate First Class, 44th Court, Andheri, Mumbai arising from F.I.R. No.57 of 2024 dated 30th January 2024 registered with Varsova Police Station, Mumbai.

8) Since the Respondent No.2 is yet to receive the last installment as per the Consent Terms, we give liberty to the

Respondent No.2 to apply again, if the said installment is not received by her and in that event, she is at liberty to make an Application for recalling of the present order.

9) In view of the foregoing and subject to the liberty as reserved above, criminal proceeding bearing C.C.No.4401193/PW/2024 pending before the Judicial Magistrate First Class, 44th Court, Andheri, Mumbai arising from F.I.R. No.57 of 2024 dated 30th January 2024 registered with Varsova Police Station, Mumbai is quashed and set aside.

10) The Applications are disposed of accordingly.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)