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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 5598 OF 2024

Shorabh Arunkumar Sinha & Ors. Petitioners

VERSUS

The State of Maharashtra & Anr. Respondents

...

Mr. Ravish A. Mishra for the Petitioners.

Ms. P. N. Dabholkar, A. P. P. for the State.

....

**CORAM : RAVINDRA V. GHUGE AND
RAJESH S. PATIL, JJ.**

DATE : 21st January, 2025

P.C. :

1. A marital discord led to the filing of the FIR No. 799, dated 13th October, 2021 with the Malad Police Station at Mumbai. This also led to the filing of certain cases between the parties in the family Court.

2. Recently, Petition No. A-2307 of 2022 was taken up before the Family Court No.2 at Mumbai and by judgment dated 10th July, 2024, the marriage petition for divorce was granted by mutual consent under

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Section 13B of the Hindu Marriage Act, on the basis of the Consent Terms for settlement, dated 26th March, 2024. The payment of amount as agreed is deposited before the Family Court. After the quashing of this FIR, the wife/Complainant would be withdrawing the said amount from the Family Court at Bandra. The Consent Terms are at pages 18 to 22 in the paper-book and the verdict of the Family Court is from page nos. 23 to 26.

3. In addition to the above, the wife/Complainant who is present before the Court in person, has tendered an original affidavit dated 21st January, 2025 along with copy of her Aadhar Card, which is paginated from page nos. 30 to 37. The said original affidavit is taken on record.

4. The learned Advocate for the Petitioners Shri Ravish A. Mishra, submits in the presence of the Complainant/wife that he had moved the Consent Petition for divorce before the Family Court on behalf of both, the Respondent as well as the wife. He, therefore, identifies her standing before the Court. When called upon, she submits that she has recently got married with another person after the divorce was granted and she prays that the FIR be quashed by consent. She also

submits that she has received the vehicle bearing registration no. MH 05 EJ 6235, KIA Sonet.

5. In view of the above and considering the statement of the learned Advocate for the Petitioners and the fact that he has identified the Complainant wife, this Writ Petition is allowed in terms of prayer clause (a), which reads as under :-

(a) That proceedings viz **C.C No. 399/PW/2022** pending before 24th Judicial Magistrate Court at Borivali arising out of the FIR No. 799 of 2021 registered with Malad Police Station for alleged offences under Section 498A, 406, 323, 324, 500, 504, 506 r/w 34 Indian Penal Code, 1860 be quashed and set aside;

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)