

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (A.PL.) NO. 1488 OF 2024**

Avinash Ramdas Gaikwad & Ors.

... Applicants

V/s.

Madhuri Avinash Gaikwad & Anr.

... Respondents

Mr. Hemant Kenjalkar a/w Mr. Mohan Tayade, Ms. Minal Kamble More and
Mr. Shubham B. Choudhar for Applicants.
Mr. Mohit Salvi for Respondent No.1.
Ms. M. M. Deshmukh, A.P.P. for Respondent No.2-State.
Mr. Rajendra Ghevadekar, API, Panvel City Police Station, present.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**

DATE : 23rd June 2025.

P.C. :

1) Husband and in-laws of Respondent No.1 have filed present Application under Section 482 of the Criminal Procedure Code, for quashing of criminal case i.e. R.C.C. No.1402 of 2023, pending on the file of learned Judicial Magistrate First Class, Panvel, arising out of C.R. No. 478 of 2023, dated 19th August 2023, registered with Panvel City Police Station, New Mumbai, for the offences punishable under Sections 498-A, 406, 323, 504 and 506 read with 34 of the Indian Penal Code, with the consent of Respondent No.1, the informant.

2) Mr. Kenjalkar, learned Advocate for Applicants submitted that, the Applicant No.1 and Respondent No.1 have resolved their disputes and differences amicably and the Respondent No.1 has agreed to give her consent for quashing of the crime in-question. He submitted that, the Respondent No.1 has already filed her Affidavit dated 18th June 2025 on record. He therefore prayed that, the crime in question may be quashed with the consent of Respondent No.1. The said Affidavit is duly affirmed before the Assistant Registrar of this Court. In the said consent Affidavit, the Respondent No.1 has admitted the fact of amicable settlement between the parties. She has also stated that, an amount of Rs.31,00,000/- has already been deposited by the Applicant No.1 in the Family Court at Bandra, Mumbai. That, she has agreed and consented to withdraw the said amount towards her alimony and entire settlement claim, after quashing of F.I.R. and criminal proceedings against the Applicants. In para No.8 thereof, she has given her no objection for quashing of the present crime.

3) Mr. Salvi, learned Advocate appearing for Respondent No.1 conceded to the fact of filing of Affidavit of consent dated 18th June 2025 by the Respondent No.1. Respondent No.1 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 18th June 2025 and her 'no objection' for quashing of the crime in-question.

4) Mr. Kenjalkar, learned Advocate appearing for Applicants on instructions submitted that, the Applicants will not raise any objection or

protest or demur for the withdrawal of the said amount of Rs.31,00,000/- from the Registry of the Family Court at Bandra, Mumbai, by the Respondent No.1, even after quashing of the present crime. The said statement is accepted as an undertaking given to this Court.

5) In view of the above, Application is allowed in terms of prayer clause (a).

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)

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