

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1764 OF 2024

Sagar Suresh Sawant & Anr. ...Applicants

Versus

Vibhavari Sagar Sawant & Anr. ...Respondents

Dr. Samarth Karmarkar a/w Ms. Priti R., Adv. Shavnak Parulekar
i/by Karmarkar & Associates, Advocate for the Applicants.

Mr. Omprakash Pandey a/w Ms. Suchita Pandey, Advocate for
Respondent No.1.

Mr. S.V. Gavand, Addl. P.P. for Respondent No.2/State.

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

DATE : 22nd JANUARY, 2025

P.C. :-

1. A marital discord after 14 years of the marriage led to the filing of the First Information Report ('FIR') No.0518 of 2023, with the Boriwali Police Station, Brihan Mumbai City. Few other proceedings have also been instituted. The learned Advocates for the Complainant and the Accused jointly submit that, Consent Terms have been filed in C.C. No.321/DV/2023, which are at Page Nos.80 to 87 (undated). The proceeding seeking divorce by mutual consent

is pending before the Family Court and after the FIR is quashed by this Court, the parties would approach the Family Court for seeking an order of divorce by mutual consent.

2. The Complainant has tendered an original affidavit dated 27th December, 2024, across the bar, which is taken on record from Page No.88 to 91. It is stated in the affidavit that the Complainant is consenting with the belief that the Applicants would comply with the Consent Terms in a fair manner, without playing any mischief. The learned Advocate for the Applicants submits that the statements made in the Consent Terms earlier, would not be resiled from by any of these Applicants.

3. In view of the above and in the light of the law laid down by the Hon'ble Supreme Court in *Narinder Singh & Ors. V/s. State of Punjab & Anr.*¹ and *B.S. Joshi and others V/s. State of Haryana and Another*², this Criminal Application is disposed off in terms of Prayer Clause (a), which reads as under :-

“That this Hon’ble Court be pleased to be quash and set aside CC. No.4594/PW/2023 in connection to C.R. No.518 of 2023 lodged with Borivali Police

¹ Criminal Appeal No.686 of 2014, decided on 27th March, 2014.

² 2003 (4) SCC 675.

*Station, Mumbai, presently pending before the Ld.
Judicial Magistrate's First Class 26th Court at
Borivali, Mumbai;”*

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)