

KANCHAN
VINOD
MAYEKAR

Digitally signed
by KANCHAN
VINOD
MAYEKAR
Date: 2025.01.10
18:38:30 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1858 OF 2024

Nita Arunkumar Shah & Ors.

..... Applicants

VERSUS

State of Maharashtra & Anr.

..... Respondents

...

Mr. Shailendra Mishra a/w. Mr. Prem Tanna i/b. M/s.Shailendra Mishra & Associates for the Applicants.

Mr. S. V. Gavand, Addl. P.P. for the State – Respondent No.1.

Ms.Sheetal Pandya a/w. Mr. Ameet Mehta, Mr.Harsh Shinde for the Respondent No.2.

....

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

DATE : 9th January, 2025

P.C. :

1. The Applicants are the Accused. Respondent No.2 is the Complainant and wife of Applicant No.2. We are informed that the proceedings under the Protection Of Women From Domestic Violence Act, 2005 have been quashed by consent, by an order dated 14th December, 2024 before the learned Judicial Magistrate First Class, 67th Court, Borivali.

2. The learned Advocate for the Complainant submits that the consent affidavit (undated) is notarized before S.M.N.Naqvi, Government of India, Mumbai and Thane District. The said Consent affidavit is placed at page nos. 105 to 109 in the petition paper-book.

3. The learned Advocate further submits that a further consent affidavit dated 8th January, 2025 (5 pages) is tendered across the bar, unequivocally accepting the Consent Terms and agreeing for the quashing of the FIR No. 64 of 2021 dated 19th February, 2021 registered with the Goregaon Police Station. The said consent affidavit is marked as 'X' for identification.

4. In view of the above and in the light of the law of the Hon'ble Supreme Court in *Narinder Singh & Ors. vs. State of Punjab & Anr. (2014) 6 SCC 466*, this Criminal Application is allowed in terms of prayer clause (a) which reads as under :-

a. This Hon'ble Court may be pleased to be pleased to Quash and set aside the First Information Report being F.I.R. No. 64 of 2021 lodged at Goregaon Police Station, Mumbai, and chargesheet proceeding pending as C.C. no. 4789/PW/2024 before the Ld. Judicial Magistrate First Class, 67th court at Borivali, Mumbai, for alleged offences u/s. 498A, 406, 504,

506, and 323, r/w. 34 of the Indian Penal Code, 1860 by Consent of the Parties concerned, and/or to pass such other and further Orders as this Hon'ble Court may deem fit and proper in the interest of justice under the inherent powers under section-482 of the Code of Criminal Procedure 1973.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)