

CRIMINAL APPLICATION NO. 2 OF 2025

Swapnesh Mansukhlal Oza & Ors.	...	Applicants
versus		
Poonam Swapnesh Oza & Anr.	...	Respondents

Dr.Samarth Shrikant Karmarkar with Ms.Supriya Arun Pande i/b. Karmarkar & Associates for the Applicants.

Mr.Shaunak Parulekar with Mr.Adarsh Mishra i/b. Ms.Reshma Apte
for Respondent No.1.

Mr.S.V.Gavand, Addl.PP for Respondent No.1, State.

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

DATE : 27TH JANUARY, 2025

P.C. :-

1. The Applicants as well the Complainant, Respondent No.1 herein, have approached this Court for seeking quashing of the First Information Report (FIR) bearing No. 0436 of 2023, dated 15th July, 2023 registered with the Borivali Police Station, Brihan Mumbai, City.

2. Our attention is drawn to the Petition seeking divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955 filed before the Family Court at Bandra, Mumbai. The

specific consent terms are set out below paragraph 12. A copy of the said Petition is placed at page Nos. 18 to 29, in the Application paper-book. An affidavit is also tendered by the Complainant dated 1st August, 2024 at page Nos. 30 to 32, in the Application paper-book.

3. Both the learned Advocates jointly submit, on instructions, that after this Court quashes the FIR by consent, the parties would place a copy of this order before the Family Court. Thereafter, the Family Court would verify the compliance of the consent terms and then pass an order, subject to the cooling off period, granting divorce by consent terms.

4. In view of the above and considering the law laid down by the Hon'ble Supreme Court in *B.S.Joshi and Others V/s. State of Haryana and Another, 2003 (4) SCC 675*, this **Criminal Application is allowed** in terms of prayer clause (a), which reads as under:

“a. That this Hon'ble Court be pleased to be quash and set aside C.R. No. 436 OF 2023 lodged with Borivali Police Station, Mumbai”.

(PRAVIN S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)