

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4819 OF 2019**

.....Petitioners

.....Respondents

Mr. Sunny Singh for the Petitioners.  
Ms. G.P. Mulekar APP, for the Respondent-State.  
Ms. Sunita Duke for the Respondent No.2.  
Mr. Bhagwan Patil, PSI, Navghar Police Station present.

**CORAM : A. S. GADKARI AND  
PRAKASH D. NAIK, JJ.  
DATE : 13<sup>th</sup> APRIL, 2023.**

**P.C.:-**

Learned APP on instructions from Mr. Bhagwan Patil, PSI, Navghar Police Station submitted that, after completion of investigation the Investigating Officer has submitted "*C-Summary Report*" before the Judicial Magistrate First Class, Thane.

2) Investigating Officer is directed to file an Affidavit, explaining as to how "*C-Summary Report*" is submitted in an offence wherein the provisions of Sections 498A, 406, 494, 420,495 read with Section 34 of the Indian Penal Code have been applied.

3) This be done within a period of one week from today.

Stand over to 21<sup>st</sup> April, 2023.

**(PRAKASH D. NAIK, J.)****(A.S. GADKARI, J.)**

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

**CRIMINAL WRIT PETITION NO. 4819 OF 2019**

...Petitioners

...Respondents

Mr. Sunny Singh for the Petitioners.

Mrs. G. P. Mulekar, A.P.P. for Respondent No.1-State.

Mr. Prem Pandey a/w Ms. Khushboo Pathak for Respondent No.2.

Mr. Bhagwan M. Patil (P.S.I.) Navghar Police Station, Bhayandar, District Thane.

**CORAM : A. S. GADKARI AND  
PRAKASH D.NAIK, JJ.**

**DATE : 21<sup>st</sup> APRIL 2023.**

**PC.:-**

. In pursuance of Order dated 13.04.2023, Mr. Bhagwan M. Patil, Police Sub Inspector attached to Navghar Police Station, Bhayandar, District Thane, has filed an Affidavit dated 20.04.2023. A bare perusal of said Affidavit clearly indicates that, to buttress his mistakes he has committed further blatant mistakes, contrary to the fundamentals of law. Learned A.P.P. is unable to justify his mistakes and in particular recording of second 'main' statement of the victim, which is contrary to the basic provisions of Cr.P.C. and criminal jurisprudence.

2. We therefore quash and set aside the said Summary Report dated 30.01.2020 submitted by the concerned Investigating Officer before the

SLJ

learned Judicial Magistrate First Class, 5<sup>th</sup> Court, Thane, as according to us, it is not in consonance with the fundamentals of criminal jurisprudence.

The concerned Police Sub Inspector is cautioned not to commit such mistakes hereinafter.

3. By the present Petition, the Petitioners i.e. husband, mother-in-law and sister-in-law of Respondent No.2 have prayed for quashing of C.R. No.236 of 2018 registered with Navghar Police Station, Bhayandar, District Thane, under Sections 498(A), 406, 494, 420, 495 read with Section 34 of the Indian Penal Code by consent of Respondent No.2, wife of Petitioner No.1.

4. Learned Advocate for the Petitioners submitted that, the Petitioner No.1 and Respondent No.2 have executed 'Consent Terms' for Divorce by Mutual Consent before the Family Court at Bandra, Mumbai in Petition No.F-2729 of 2018 and in Paragraph No.4 thereof, the Respondent No.2 has agreed for quashing of the crime in question, with her consent.

5. The Respondent No.2 has filed an Affidavit dated 09.03.2023 duly affirmed before a Notary Public and in Paragraph No.6 thereof she has given her consent for quashing of the said C.R. No.236 of 2018 registered with Navghar Police Station, Bhayandar, District Thane (Rural). Learned Advocate appearing for Respondent No.2 has identified the signature of Respondent No.2.

SLJ

Respondent No.2 is personally present in the Court and through her Advocate reiterated the contents of her Affidavit dated 09.03.2023 and her 'no objection' in quashing the crime in question.

6. In view of the above, Petition is allowed in terms of prayer Clause 'a'.

**(PRAKASH D. NAIK, J.)**

**(A.S. GADKARI, J.)**