

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.3629 OF 2019**

Rahul Jagdish Jigjinni and Ors.
V/s.

.. Petitioners

State of Maharashtra and Anr.

.. Respondents

Mr. Niranjan Mundargi a/w. Mr. Shailesh S. Kharat i/b. Mr. Rajesh Katore for Petitioners.

Mr. Ajay Patil, APP for Respondent No.1. -State.

Mr. A. R. Avchat for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.**

DATE : 08 AUGUST 2023.

PC. :

1. Leave to amend to incorporate challenge to Sessions Case No. 104 of 2023 pending on the file of Sessions Court, Kolhapur by incorporating prayer Clause (a1) between prayer clauses (a) and (b) granted. Amendment be carried out forthwith.

2. Husband and in-laws of Respondent No.2 have invoked jurisdiction of this Court under Article 226 of the Constitution of India and under Section 482 of Cr. P.C. for quashing of Sessions Case No. 104 of 2023 pending on the file of Sessions Court, Kolhapur arising out of C.R.No. 218 of 2019 registered with Rajarampuri Police Station, Kolhapur under Sections 498A, 376B and 377 of IPC.

3. Learned Advocate for Petitioners submitted that, Petitioner No.1 and Respondent No.2 have settled the matter

amicably and have filed Petition for divorce by mutual consent as contemplated under Section 13(i-b) of the Hindu Marriage Act before the Family Court at Pune and the same is pending for final adjudication. He submitted that, Respondent No.2 has also filed a detailed Affidavit dated 04.08.2023, duly affirmed before a Notary Public. He therefore prayed that, the said case may be quashed.

4. Learned Advocate for Respondent No.2 reiterates the facts of affirming of the Affidavit dated 04.08.2023 by Respondent No.2. Respondent No.2 has admitted execution of Memorandum of Understanding dated 21.07.2023 and pendency of Marriage Petition No. 591 of 2019 before the Family Court at Pune. In paragraph No. 26 of the Affidavit dated 04.08.2023, Respondent No.2 has given her voluntary consent for quashing of Sessions Case No. 104 of 2023 pending on the file 32-District Judge-1, Kolhapur, Pune.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 04.08.2023 and her 'no objection' for quashing of the crime in question.

5. In view of the above, Petition is allowed in terms of prayer Clauses (a) and (a1).

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)