

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.1222 OF 2023**

Devanshu Brijesh Agarwal & Ors. ...Petitioners

V/s.

State of Maharashtra & Anr. ...Respondents

Ms.Rama Somani i/b Mr.Chetan Alai, for the Petitioners.

Mrs.G.P. Mulekar, APP for the Respondent-State.

Mr.Zaheer Khan Pathan, for Respondent No.2.

Mr.Dipak K., Singhgad Road Police Station, Pune City present.

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

DATE : 12th JUNE 2023.

PC. :

1. By the present Petition, under Article 226 of the Constitution of India and under Section 482 of the Criminal Procedure Code, 1973, Petitioners i.e. Husband (Petitioner No.1); Mother-in-Law (Petitioner No.2); Father-in-Law (Petitioner No.3) and Sister-in-Law (Petitioner No.4) have prayed for quashing of RCC No.2135 of 2019 pending on the file of the learned Judicial Magistrate First Class, Pune, arising out of the C.R. No.367 of 2018 registered with Sinhagad Police Station, Pune under Section 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, by consent of Respondent No.2 i.e. wife of Petitioner No.1.

2. Learned Advocate for the Petitioners submitted that, the Petitioner No.1 and Respondent No.2 have executed Consent Terms dated 19th October 2022 before the Family Court No.1, Pune in PA No.135/2017. In Clause No.4 thereof, the Respondent No.2 has agreed to appear in the present Petition and file her affidavit-in-reply for quashing of crime in question. He submitted that, as a matter of fact Family Court No.1, Pune has already passed Decree in the said Petition and the marriage solemnized between Petitioner No.1 and Respondent No.2 has been dissolved by a Decree of divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1956.

3. Respondent No.2 has filed an affidavit dated 27th March 2023 and in paragraph No.4 thereof, she has given 'No Objection' for quashing of present Crime in question. Respondent No.2 is personally present in the Court and through her Advocate reiterated the contents of her affidavit dated 27th March 2023 and her 'No Objection' for quashing of RCC No.2135 of 2019 pending on the file of the Judicial Magistrate First class, Pune.

4. In view of the above, the Petition is allowed in terms of prayer clauses (a) and (b).

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)