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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3395 OF 2023

Pooja Preetam Dalvi & Ors.

...Petitioners

V/s.

Preetam Dilip Dalvi & Anr.

...Respondents

Mr. R. K Dholakia for the Petitioner

Ms. Snehal Marathe for Respondent No.1

Ms. S. D. Shinde, APP for the Respondent-State.

**CORAM : A.S. GADKARI &
SHARMILA U. DESHMUKH, JJ.**

DATE : 12th October, 2023.

P. C. :

1. Petitioners, accused in C.C.No. 801979/PW/2014 pending on the file of Metropolitan Magistrate, 22nd Court, Andheri, Mumbai arising out of M.E.C.R. No.4 of 2012 dated 9th September 2012 registered with M.I.D.C. Police Station, Mumbai, 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 the said case with the consent of Respondent No.2, the informant.

2. Learned Advocate for Petitioners submitted that, Petitioner No.1 is the wife of Respondent No.1. It is the allegation of Respondent No.1 that, Petitioner No.1 by suppressing a fact that she was a divorcee,

induced Respondent No.1 to perform marriage, which was accordingly performed. Petitioner Nos.2 to 6 are the close relatives of Petitioner No.1. He submitted that, the parties herein have settled their disputes and differences amicably and Respondent No.1 has given his consent for quashing of the crime in question. He therefore prayed that, the same may be quashed with the consent of Respondent No.1.

3. Learned Advocate for Respondent No.1 tendered across the bar his Affidavit dated 12th October 2023 duly affirmed before a Notary Public. Respondent No. 1 has admitted of settlement of the present case and filing of the Consent Terms before the Family Court at Bandra. It is stated that in view of the Consent Terms, the divorce has been granted by the Family Court to Petitioner No. 1 and Respondent No. 1. That, in terms of the said Consent Terms, Respondent No.1 is performing his part of obligation by giving consent for quashing of the present crime.

3.1 Respondent No. 1 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 12th October and his 'no objection' for quashing of the crime in question.

4. In view of the above, petition is allowed in terms of prayer clause (a).

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)