

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 981 OF 2023**

Subhadeep Sarkar S/o Pritiesh Chandra Sarkar & Ors ...Petitioners

Versus

The State Of Maharashtra And Anr

...Respondents

Mr. Sonal Hemant Mishal a/w Mr. Mohd. Aijaz Sayyed Advocate
for Petitioners.

Dr. Samarth S. Karmarkar i/by Karmarkar & Associates for
Respondent No.2.

Mr. S. S. Hulke, APP for Respondent-State.

Mrs. M. M. Deshmukh, APP for Respondent-State.

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

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

DATE : 16th MARCH, 2023.

P.C.:-

1. Leave to amend prayer clause to incorporate case number arising out of C.R. No.326 of 2018 registered with Pawai Police Station, Mumbai. Amendment be carried out forthwith and in any event during the course of day.

2. By the present Petition, the Petitioners i.e. husband - Petitioner No.1 and his parents i.e. Petitioner Nos. 2 and 3 have prayed for quashing of C.C. No. 2725/PW/2019 arising out of CR No. 326 of 2018 registered with Pawai Police Station, Mumbai dated 26th June 2018 under Sections 498-A,

406, 504, 506 read with 34 of the Indian Penal Code.

3. Learned Advocate for Petitioners submitted that, the present crime is registered basically out of matrimonial discord by the Respondent No.2 against the Petitioners. That, after completion of investigation, Police have submitted charge-sheet in the Court of Metropolitan Magistrate, 66th Court at Andheri, Mumbai on 5th October 2019. That, subsequently the parties herein have arrived at amicable settlement and the Respondent No.2 has filed her affidavit dated 24th January 2023 thereby giving her consent to quash and set aside the said case i.e. C.C. No.2725/PW/2019 arising out of CR No.326 of 2018 registered with Pawai Police Station, Mumbai.

4. Record indicates that, the Petitioner No.1 and Respondent No.2 have already filed 'Consent Terms' in Petition No. A-2861 of 2017 before the Family Court at Bandra, Mumbai on 31st October 2022. In clause 25 thereof they have agreed to get quashed the said C.C. No. PW/66027525/2019 arising out of CR No.326 of 2018 registered with Pawai Police Station. The present Petition is filed in furtherance of the said consent terms.

5. Respondent No.2 is personally present in the Court and through her Advocate conceded to filing of the said Affidavit and also gave her express consent and for quashing of the said case arising out of CR No.326 of 2018 registered with Pawai Police Station, Mumbai.

6. It is needless to observe that, the Petitioner No.1 and Respondent No.2 will adhere to the terms and conditions mentioned in Consent Terms

dated 31st October 2022 filed in Petition No. A-2861 of 2017 before the Family Court at Banrda, Mumbai.

7. In view thereof, the present Petition is allowed in terms of prayer clause (a).

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)