

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 818 OF 2023**

Shiv Keshrimal Agrawal

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Anand Pande for the Petitioner.

Mr. S.S. Hulke APP for the Respondent No.1-State.

Adv. Prasad Jangam for the Respondent No.2.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 13th APRIL, 2023.****P.C.:-**

1) Petitioner husband of Respondent No.2 has filed present Petition for quashing of C.C. No.1063/PW/2014 pending on the file of 17th Metropolitan Magistrate Court at Borivali, Mumbai arising out of C.R. No.486 of 2013 dated 21st October, 2013 registered with Samata Nagar Police Station, Mumbai under Sections 498A and 506 of the Indian Penal Code, by consent of Respondent No.2.

2) Learned Advocate for the Petitioner submitted that, the Petitioner and Respondent No.2 have executed Consent Terms dated 5th December, 2022 before the Bandra Family Court, Mumbai in Petition No.A-30 of 2014. Paragraph No.5.1 of the said consent terms provides for withdrawal/quashing of present case by mutual consent. He submitted

that, in pursuance of said consent terms, present Petition has been filed.

3) Learned Advocate for the Respondent No.2 on instructions conceded to the facts of execution of Consent Terms dated 5th December, 2022. He tendered across the bar an affidavit of Respondent No.2 dated 13th April, 2023 duly affirmed before the Notary Public.

In paragraph No.5 of the said affidavit, the Respondent No.2 has given her 'no objection' for quashing of C.C. No.1063/PW/2014 pending on the file of 17th Metropolitan Magistrate Court at Borivali, Mumbai arising out of C.R. No.486 of 2013 dated 21st October, 2013 registered with Samata Nagar Police Station, Mumbai.

4) In view thereof, Petition is allowed in terms of prayer clause (b).

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)

**SANJIV
SHARNAPPA
MASHALKAR**

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by SANJIV
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MASHALKAR
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