

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1004 OF 2023

Mohammed Nabi Raza Afzal Hussain Khan	Petitioner
versus	
The State of Maharashtra and another	Respondents

Mr.Husen Shaikh, Advocate for Petitioner.
Mrs.M.M.Deshmukh, APP, for State.
Adv.Rushali B. Kshirsagar h/for Adv.Neeta Karnik, Advocate for Respondent no.2.

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

DATE : 20th March 2023

PC :

1. This is a petition filed by the husband of Respondent no.2 for quashing of charge sheet pending before Judicial Magistrate First Class, Thane bearing Case No.RCC No.1723 of 2019 arising out of C.R No.I-313 of 2018, dated 23rd November 2018 registered with Kapurbavadi Police Station, Thane (City) for the offences under Sections 498(A), 494, 323, 504 and 506 of IPC, by consent.

2. Learned Advocate for Petitioner submitted that in Writ Petition No.9081 of 2022 filed by Petitioner, the parties herein have settled the matter amicably and have filed Consent Terms dated 1st February 2023. Paragraph no.15 of said Consent Terms provides for quashing of present case arising out of FIR No.I-313 of 2018. In furtherance of

the said Consent Terms, present petition is filed for quashing RCC No.1723 of 2019 arising out of FIR No.I-313 of 2018 registered with Kapurbavadi Police Station, Thane (City). He submitted that, Respondent no.2 has also filed an affidavit dated 4th March 2023 in the present petition conceding to the said fact.

3. Learned Advocate Ms.Rushali Kshirsagar appearing for Respondent no.2 on instructions from Respondent no.2 who is personally present in the Court admits execution of Affidavit dated 4th March 2022 and Consent Terms dated 1st February 2023 in Writ Petition No.9081 of 2022.

4. In view thereof, Petition is allowed in terms of prayer clause 9(a).

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST