

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 345 OF 2023**

Azaz Khalik Shaikh

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Mateen Shaikh a/w. Mr.Muskan Shaikh, Mr.Zeeshan Khan & Mr.Arshad Shaikh
for Applicant.

Mr.Ajay Patil, A.PP. for Respondent No.1-State.

Mr.Nitin S. Borkar for Respondent No.2.

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

DATE : 18th April 2023.

PC. :

1. Leave to amend to incorporate challenge to the chargesheet in the prayer clause is granted.
2. Amendment be carried out forthwith and in any event during the course of the day.
3. Applicant-husband has filed present Application for quashing of Chargesheet No. 133 of 2023 pending before the Court of Judicial Magistrate First Class, Thane, arising out of CR No. I-980 of 2022 registered with Mumbra Police Station, Thane, under Sections 323, 498A, 504 of Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961, by consent of Respondent No.2-wife.

4. Learned Advocate for Applicant submitted that, the Applicant and Respondent No.2 have settled the matter amicably and have executed 'Consent Terms' dated 18th April 2023. That, in para No.4 of the Consent Terms, the Respondent No.2 has agreed to give her consent for quashment of the said crime.

The Respondent No.2 has also filed an Affidavit dated 18th April 2023 duly affirmed before a Notary Public. Her signature has been identified by Advocate Mr.Nitin S. Borkar. In para No.6 thereof, the Respondent No.2 has given her 'no objection' for quashing the said CR No. 980 of 2022 registered with Mumbra Police Station, District Thane. Learned Advocate appearing for Respondent No.2 conceded the fact of affirmation of Affidavit dated 18th April 2023 and execution of Consent Terms dated 18th April 2023 by the Respondent No.2. He submitted that, the Respondent No.2 has no objection in quashing the said CR No. 980 of 2022.

5. In view of above, Application is allowed in terms of prayer Clause (a).

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]

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