

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

CRIMINAL APPLICATION NO. 272 OF 2023

Karan Shyamlal Gupta And Ors.
V/s.

...Applicants

State Of Maharashtra And Anr.

...Respondents

Mr. Mohit M. Darji i/by O.R. Tiwari for Applicants.

Mrs. M. M. Deshmukh, A.P.P. for Respondent No.1-State.

Mr. Jigar Agarwal for Respondent No.2.

Mrs. Anjali Karan Gupta, Respondent No.2 present in-person.

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

DATE : 3rd MAY 2023.

P.C.:-

1. Applicants i.e. husband (Applicant No.1); father-in-law (Applicant No.2); mother-in-law (Applicant No.3); brother-in-law (Applicant No.4) and sisters-in-laws (Applicant Nos. 5 to 7) of Respondent No.2 have filed present Application under Sections 482 of Cr.PC. for quashing of R.C.C. No.900 of 2022 pending on the file of learned Judicial Magistrate First Class, Kalyan arising out of C.R. No. I-356 of 2022 registered with Manpada Police Station, Dombivli, District Thane, under Sections 498-A, 354, 323, 504, 506 read with Section 34 of Indian Penal Code, Section 4 of the Dowry Prohibition Act, 1961 and Section 66(E) of the Information Technology Act, 2000, by consent of Respondent No.2, i.e. wife of Applicant No.1.

2. Learned Advocate for the Applicants submitted that, the Applicant No.1 and Respondent No.2 have executed 'Deed of Mutual Settlement'/

‘Consent Terms’ dated 17.12.2022 in a Petition bearing No.F-334 of 2023 filed on 31.01.2023 before the Family Court at Bandra, Mumbai. Paragraph Nos.5 & 6 thereof, provides for quashing of the R.C.C. No.900 of 2022 by consent of Respondent No.2.

3. Learned Advocate for Respondent No.2 tendered across the bar an Affidavit dated 03.05.2023 duly affirmed before the Assistant Registrar of this Court. Advocate on record for Respondent No.2 has identified the signature of Respondent No.2 in the said Affidavit. In Paragraph No.4 thereof, Respondent No.2 has admitted execution of ‘Consent Terms for Mutual Consent Divorce’ before the Family Court at Bandra, Mumbai. In Paragraph Nos.5 & 6 thereof, she has given her willful consent and ‘no objection’ for quashing of C.R. No. I-356 of 2022 registered with Manpada Police Station, Dombivli, District Thane.

Respondent No.2 is personally present in the Court and through her Advocate has reiterated the contents of her Affidavit dated 03.05.2023 and her ‘no objection’ for quashing of R.C.C. No.900 of 2022 pending on the file of learned Judicial Magistrate First Class, Kalyan, arising out of C.R. No. I-356 of 2022 registered with Manpada Police Station, Dombivli.

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

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)