

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 983 OF 2023**

Imranjit Singh Khurana & Ors.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

WITH**CRIMINAL WRIT PETITION NO. 1119 OF 2022**

Mihir Rajendra Suvanam

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Ruchir Dholakia a/w. Mr. Sunny Singh for Petitioner in WP/983/2023.

Mr.Girish Kulkarni, Senior Advocate i/b. Mr.Omkar Ghag for Petitioner in WP/1119/2022.

Mr.S.S. Hulke, A.P.P. for Respondent-State.

Dr.Shreya Srivastava for Respondent No.2 in both matters.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 17th March 2023.****P.C. :**

1. Criminal Writ Petition No. 1119 of 2022, not on board.

Upon mentioning, taken on board.

2. Leave to amend to implead first informant Mrs.Sahiba Khurana as Respondent No.2 in Criminal Writ Petition No. 1119 of 2022.

Amendment be carried out forthwith and in any event during the course of the day.

3. Leave to amend prayer Clause in Writ Petition No. 983 of 2023 to incorporate challenge to CC No. 3255/PW/2017 pending on the file of learned Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai.

Amendment be carried out forthwith and in any event during the course of the day.

4. By the present Petitions, the Petitioners in Writ Petition No. 983 of 2023 i.e. husband (Petitioner No.1), father-in-law (Petitioner No.2), mother-in-law (Petitioner No.4) of Respondent No.2 and the Petitioner in Writ Petition No. 1191 of 2022 i.e. the friend of husband of Respondent No.2 in Writ Petition No. 983 of 2023 have prayed for quashing of CC No. 3255/PW/2017 arising out of CR No. 405 of 2016 registered with Oshiwara Police Station, Mumbai, by consent.

5. Record indicates that, the Petitioner No.1 Shri Imranjit Singh Khurana and Respondent No.2 Mrs.Sahiba Khurana have filed 'Consent Terms for divorce by mutual consent' dated 31st January 2023 in Marriage Petition No.A-1765 of 2016. As per the consent terms filed before the Family Court, parties therein have decided to seek divorce by mutual consent on the terms and conditions more specifically mentioned in the said Consent Terms. Para No. 9 of the said consent terms specifies for quashing of First Information Report before the concerned Court. In pursuance of the said Consent Terms dated 31st January 2023, present Petitions have been filed.

6. Today the learned Advocate for Respondent No.2 tendered across the bar Affidavit dated 17th March 2023 of Mrs.Sahiba Khurana. In the said Affidavit, the Respondent No.2 has given her consent for quashing of CR No. 405 of 2016 and CC No. 3255/PW/2017. The said Affidavit is taken on record and marked "X" for identification.

Respondent No.2 is personally present in the Court and through her Advocate conceded to the fact of affirming the said Affidavit and also her consent for quashing of said CR No. 405 of 2016, which is now culminated into CC No. 3255/PW/2017.

7. In view of above, CR No. 405 of 2016, culminated into CC No. 3255/PW/2017 and pending on the file of learned Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai is quashed by consent of Respondent No.2.

8. Both the Petitions are accordingly allowed in terms of prayer Clause (a) respectively.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]

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