

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 728 OF 2023**

Deepak Dinkar Kamble & Ors.

...Petitioners

V/s.

The State of Maharashtra & Anr.

...Respondents

**NILAM
SANTOSH
KAMBLE**Digitally signed by
NILAM SANTOSH
KAMBLE
Date: 2023.07.19
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Mr.Prashant G. Kayande, for the Petitioners.

Mr.Ajay Patil, APP for the Respondent-State.

Mr.Bhavesh C. Sawant i/b Ms.Minal J. Chandanani, for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 20th JUNE 2023****P.C.**

1. By the present Petition under Article 226 of Constitution of India, Petitioner, i.e. Husband (Petitioner No.1); father-in-law (Petitioner No.2); Mother-in-Law (Petitioner No.3) and grand-mother-in-law (Petitioner No.4) of Respondent No.2 have prayed for quashing of C.C. No.475/PW/2015 pending on the file of learned Metropolitan Magistrate, 34th Court, Vikroli, Mumbai, arising out the C.R. No.251 of 2014 registered with Nehru Nagar Police Station, Mumbai under Section 498-A, 406, 323, 504 and 506 read with 34 of the Indian Penal Code, with the consent of Respondent No.2.

2. Learned Advocate for the Petitioners submitted that,

This order is corrected as per speaking to the minutes of order dated 06th July 2023.

Petitioner No.1 and Respondent No.2 have executed Consent Terms below Exhibit-25 before the Family Court at Bandra in Petition No. A-2541/2016. In the Clause-7 of the said Consent Terms, Respondent No.2 has agreed and undertaken to cooperate with the Petitioner for quashing the Crime in question.

3. Respondent No.2 has filed an affidavit dated 20th June 2023. In paragraph No.4 thereof, she has stated that the dispute between herself and Petitioner No.1 has been amicably settled in view of the aforesaid Consent Terms filed in the Family Court at Bandra and accordingly marriage between herself and the Petitioner No.1 has been dissolved by Decree of (Divorce) by mutual consent under Section 13(B) of the Hindu Marriage Act, 1955 by Judgment dated 17th February 2022.

4. In paragraph No.5 of the affidavit she has given her 'No Objection' for quashing of present Crime. Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 20th June 2023 and her 'No Objection' for quashing of the present Crime.

5. In view of the above, Application is allowed in terms of prayer Clauses (a) and (b).

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)