

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 771 OF 2022**

Ashish Adinath Chavan And Ors.

... Petitioners

V/s.

The State Of Maharashtra And Anr.

... Respondents

Mr. Nilesh Wable for Petitioners.

Mr. S. S. Hulke, APP for Respondent No.1-State.

Mr. Shailesh Kharat i/b Mr. Rajesh V. Katore for Respondent No.2.

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

DATE : 2nd MAY, 2023.

PC. :

1. Petitioners i.e. husband and in-laws of Respondent No.2 have filed present Petition for quashing of C.C. No. 3078 of 2021 pending on the file of 4th Judicial Magistrate First Class, Pune arising out of C.R. No. 1216 of 2020 registered with Bharati Vidyapeeth Police Station, Pune under Sections 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, by consent of Respondent No.2.

2. Learned Advocate for Petitioners submitted that, Petitioner No.1 and Respondent No.2 have filed Consent Terms before the Principal District Judge, Pune in P.A. No. 770 of 2020. That, Respondent No.2 has filed an Affidavit dated 1st March, 2023 and an Additional Affidavit dated 29th April, 2023 in this Court. In para No.4 of both the Affidavits,

Respondent No.2 has given her voluntary consent with sound mind for quashing of C.C. No. 3078 of 2021 arising out of C.R. No. 1216 of 2020.

3. Advocate Mr. Shailesh Kharat appearing for Respondent No.2 on instructions submitted that, in Affidavit dated 1st March, 2023, on page No.158 of the Petition, Advocate Mr. Rajesh Kathore has identified signature of Respondent No.2 and in Additional Affidavit dated 29th April, 2023, at page No.166 of the Petition, Advocate Ms. Neelima Kharde has identified signature of Respondent No.2. Both the said Affidavits are Notarized before Ms. Manjusha S. Taday, a Notary Public at Pune.

4. Respondent No.2 is personally present in the Court and through her Advocate reiterated contents of her both Affidavits and her “no objection” for quashing of C.C. No. 3078 of 2021 arising out of C.R. No. 1216 of 2020.

5. In view thereof, Petition is allowed in terms of prayer clauses (b) and (c).

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)