

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1230 OF 2023**

Rajesh Tripathi & Ors.

... Petitioners

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr.Sandeep Mishra i/b.Mr.Baliram N. Pandey for Petitioners.

Ms.M.M. Deshmukh, A.P.P for Respondent Nos.1 & 2-State.

Mr.Ankit Pandey for Respondent No.3.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 6th April 2023.****P.C. :**

1. Petitioners i.e. husband (Petitioner No.3), father-in-law (Petitioner No.1), mother-in-law (Petitioner No.2), sisters-in-law (Petitioner Nos.4, 5 & 7), brother-in-law (Petitioner No.6), cousin mother-in-law (Petitioner No.8) and friend of husband (Petitioner No.9) have prayed for quashing of CR No. I-255 of 2009 pending on the file of learned Civil Judge (J.D.) and Judicial Magistrate First class, Vasai arising out of CR No. I - 255 of 2009 registered with Virar Police Station, District Palghar, under Section 498A, 323, 504, 506, 406 read with 34 of Indian Penal Code, by consent of Respondent No.3.

2. Learned Advocate for Respondent No.3 submitted that, the Respondent No.3 and Petitioners herein have resolved the dispute and differences

amicably. That the Petitioner No.3 and Respondent No.3 have filed divorce Petition by mutual consent under Section 13B of the Hindu Marriage Act before the Civil Judge (S.D.), Vasai, District Palghar, bearing Marriage Petition No. 302 of 2022. That the Respondent No.3 has given her 'no objection' for quashing the present criminal proceedings in the said Petition. He submitted that, the Respondent No.3 has filed an Affidavit dated 3rd April 2023, which is duly affirmed before a Notary Public. He tendered across the bar said Affidavit dated 3rd April 2023. The same is taken on record.

3. In para Nos.4 & 6 of the said Affidavit, the Respondent No.3 has given her no objection for quashing the present proceedings. The Respondent No.3 is personally present in the Court and reiterates affirming of the said Affidavit dated 3rd April 2023 and her no objection for quashing of R.C.C. No. 210 of 2010 arising out of CR No. I-255 of 2009.

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

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]

OMKAR
SHIVAHAR
KUMBHAKARN
Digitally signed
by OMKAR
SHIVAHAR
KUMBHAKARN
Date:
2023.04.20
13:54:52 +0530