

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 783 OF 2023**

Swapnil Maruti Ingale

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Sachin K. Hande for Petitioner.

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

Mr. Vivek Patil i/b. Mr.Mohan Kumbhar for Respondent No.2.

Mr. Govind Pawar, Bhosari Police Station is present.

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

1. By the present Petition the Petitioner husband has prayed for quashing of Sessions Case No. 1077 of 2019 pending on the file of learned Additional Sessions Judge, Shivajinagar, Pune, arising out of CR No. 255 of 2018 registered with Bhosari Police Station, Pune, under Sections 307, 498A, 323, 504, 506 of Indian Penal Code by consent of Respondent No.2.

2. Record indicates that, the Petitioner and Respondent No.2 had filed a Petition for divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955 in the Family Court at Pune bearing Petition No.A-374 of 2019. The said Petition was decreed by the Family Court by its Judgment and Order dated 14th February 2023. In para No.8 of the said Judgment, the

Family Court has observed that, the parties herein have decided that, the Respondent No.2 shall not be entitled to receive amount of permanent alimony mentioned therein unless and until the Criminal Case bearing Sessions Case No. 1077 of 2019 is quashed.

3. In furtherance of the said Judgment and Order dated 14th February 2023 passed by the Family Court No.2, Pune, present Petition for quashing of the said Sessions Case No. 1077 of 2019 pending on the file of learned Additional Sessions Judge, Pune, arising out of CR No. 255 of 2018 registered with Bhosari Police Station is filed.

4. Learned Advocate for Respondent No.2 tendered across the bar an affidavit dated 6th April 2023, duly affirmed by the Respondent No.2 before a Notary Public. In para No.4 thereof, the Respondent No.2 has given her 'no objection' for quashing of CR No.255 of 2018 lodged by her and all the proceedings arising therefrom. Said Affidavit is taken on record.

Respondent No.2 is personally present in the Court and reiterated the contents of Affidavit dated 6th April 2023 and her no objection for quashing of the said Sessions Case No. 1077 of 2019.

5. In view thereof, Petition is allowed in terms of prayer Clause (a).

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]