

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1024 OF 2023**

Abhishek Arvind Bhalerao And Anr.

... Petitioners

V/s.

Sheela Abhishek Bhalerao And Anr.

... Respondents

Mr. Sushil Upadhyay for Petitioners.

Mr. Aniket Upadhyay for Respondent No.1.

Mrs. M. M. Deshmukh, APP for Respondent No.2-State.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 21st MARCH, 2023.****PC. :**

1. Rule.

Rule made returnable forthwith and by consent of respective parties taken up for hearing.

2. By the present Petition under Article 226 of the Constitution of India, Petitioner Nos.1 and 2 i.e. husband and mother-in-law respectively of Respondent No.1-wife have prayed for quashing of R.C.C. No. 772 of 2021 pending on the file of learned Judicial Magistrate First Class, Ulhasnagar, arising out of C.R. No. I-220 of 2020 registered with Badlapur East Police Station, District Thane under Sections 498A, 377, 406 read with Section 34 of the Indian Penal Code.

3. Learned Advocate for Petitioners submitted that, Petitioner No.1 and Respondent No.1 have entered into a “Deed of Settlement” dated 20th January, 2021. That, the said Deed of Settlement is a duly notarized

document, which is annexed at page No.79 to the present Petition. He submitted that, in view of the covenants mentioned in the said Deed of Settlement, Respondent No.1-wife has given her consent for quashing of said R.C.C. No. 772 of 2021 arising out of C.R. No. I-220 of 2020.

4. Learned Advocate for Respondent No.1 has today tender across the bar an Affidavit-in-Reply dated 21st March, 2023 duly affirmed by Respondent No.1. The signature of Respondent No.1 has been identified by the Advocate for Respondent No.1. In the said affidavit Respondent No.1 has stated that, she is residing with Petitioner No.1 in harmony and they are taking care of each other and their daughter. She has reiterated that, the contents of Deed of Settlement dated 20th January, 2021 annexed to the Petition are true and correct and she has also undertaken to abide by the same. She has in unequivocal terms consented for quashing of present R.C.C. No. 772 of 2021 arising out of C.R. No. I-220 of 2020.

5. Respondent No.1 is personally present in the Court and through her Advocate has consented for quashing of R.C.C. No. 772 of 2021 arising out of C.R. No. I-220 of 2020.

6. In view of the above, R.C.C. No. 772 of 2021 pending on the file of learned Judicial Magistrate First Class, Ulhasnagar, District Thane (arising out of C.R. No. I-220 of 2020) is hereby quashed.

7. Petition is allowed in aforesaid terms and Rule made absolute in terms of prayer clause “a”.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)