

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1157 OF 2023**

Prakash Tukaram Bhostekar And Ors.

... Petitioners

V/s.

The State Of Maharashtra And Anr.

... Respondents

Mr. Mukesh Gupta for Petitioners.

Mrs. G. P. Mulekar, APP for Respondent No.1-State.

Ms. Siddh Vidya a/w Ms. Sunita Rai & Ms. Shalaka Karkar i/b Sidd Vidya & Associates for Respondent No.2.

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

DATE : 30th MARCH, 2023.

PC. :

1. By the present Petition, Petitioners i.e. husband, mother-in-law and sister-in-law of Respondent No.2 have prayed for quashing of CC No. 277/PW/117, pending on the file of learned 27th Metropolitan Magistrate, Mulund, Mumbai arising out of C.R. No. 506 of 2016 registered with Mulund Police Station, Mumbai under Sections 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, by consent of Respondent No.2.

2. Record reveals that, Petitioner No.1 had instituted M.P. No.431 of 2016 for divorce under Section 13(1) (ia) & (ib) of the Hindu Marriage Act in the Court of Joint Civil Judge (Senior Division), Thane. In the said Marriage Petition, the Petitioner No.1 and Respondent No.2 have executed

Consent Terms dated 15th July, 2022 and settled all their differences and disputes amicably. Para No.11(b) of the Consent Terms provides for quashing of said CC No. 277/PW/117 arising out of said crime registered by Respondent No.2.

3. Respondent No.2 is personally present in the Court and through her Advocate tendered across the bar an Affidavit dated 14th March, 2023. In Para No.14 of the said Affidavit she has given her 'no objection' in unequivocal terms for quashing of present proceedings. Respondent No.2 through her Advocate also submitted her no objection for quashing of the said proceedings, before this Court.

4. In view thereof, we are quashing the said CC No. 277/PW/117, pending on the file of learned 27th Metropolitan Magistrate, Mulund, Mumbai arising out of C.R. No. 506 of 2016 registered with Mulund Police Station, Mumbai.

5. Petition is according allowed in terms of prayer clause "a".

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)