

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 646 OF 2023**

Hitesh Dhanji Hirpara and Ors.

.. Applicants

V/s.

State of Maharashtra and Anr.

.. Respondents

Mr. Parag S. Mishra for Applicants.

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

Mr. Vivek A. Busa for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 05 JULY 2023****PC. :**

1. Applicants i.e. husband (Applicant No.1); mother-in-law (Applicant No.2); father-in-law(Applicant No.3); and sister-in-law (Applicant No.4) of Respondent No.2 have filed present Application under Section 482 of the Cr.PC. for quashing of C.C.No.3107/PW/2021 pending on the file of Additional Chief Metropolitan Magistrate 26th Court, Mumbai arising out of C.R.No. 1029 of 2020 registered with Borivali Police Station, Mumbai under Sections 498A, 504 read with 34 of IPC with consent of Respondent No.2.

2. Learned Advocate for Applicant submitted that, Applicant No.1 and Respondent No.2 have executed Consent Terms dated 22.02.2023 for Mutual Consent Divorce before the Family Court, Bandra, Mumbai in Petition No. A/2269/2022. In paragraph

No. 7 thereof, it is agreed between the parties that, the Applicant No.1 will prefer an application for quashing of C.R.No. 1029 of 2020 on certain terms and conditions which are specifically mentioned in the Consent Terms dated 22.02.2023. He submitted that, the present Application is filed in pursuance of the said Consent Terms dated 22.02.2023.

3. Learned Advocate for Respondent No.2 tendered across the bar her Affidavit dated 05.07.2023, duly affirmed before a Notary Public. In paragraph No.4 thereof, Respondent No.2 has stated that, she has no objection if the present Application is allowed and C.C.No. 3107/PW/2021 pending before the Metropolitan Magistrate 26th Court, Mumbai is quashed and set aside. In paragraph No.5 thereof, Respondent No.2 has stated that, she has sworn the Affidavit without any force, fraud, coercion at the hands of the Applicants or any other persons in that behalf.

Respondent No.2 is personally present in Court and through her Advocate reiterates the contents of her Affidavit dated 05.07.1012 and her 'no objection' for quashing the crime in question.

4. In view of the above, Application is allowed in terms of prayer Clause (b).

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)