

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1434 OF 2023**

Sunil Shivrao Nadkarni

...Petitioner

Versus

State Of Maharashtra And Anr

...Respondents

Mr.Murtaza Najmi a/w S. K. Chaurasia i/by SKC Legal Advocate for
Petitioner a/w Petitioner in person.

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

Mr. Vivek Sharma Advocate for Respondent No.2.

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

DATE : 28th APRIL 2023.

P.C.:-

1. By the present Petition, the Petitioner-husband has prayed for quashing of C.C. No.1472/PW/2007 pending on the file of learned Metropolitan Magistrate, 32nd Court, Bandra, Mumbai, arising out of C.R. No. 70 of 2007, dated 30th March 2007, under Sections 498-A, 504, 323 of the Indian Penal Code, by consent of Respondent No.2 i.e. wife of Petitioner.

2. Mr. Najmi, learned Advocate for Petitioner submitted that, parties herein have settled their differences and dispute amicably in Family Court Appeal No.46 of 2011 before this Court and they have filed 'Consent Terms' dated 24th March 2023. That, the co-ordinate Bench by its Order dated 24th March 2023 has accepted the said 'Consent Terms' and has directed to draw Decree

accordingly. He submitted that, in paragraph No.6 of the Consent Terms, the Respondent No.2 has agreed for quashing of C.C. No.1472/PW/2007. That, present Petition was already filed when the said Consent Terms were executed on 24th March 2023 and therefore in paragraph No. 6 thereof reference of the present Petition has been given.

3. Learned Advocate for Respondent No.2 has tendered across the bar an Affidavit dated 27th April 2023 duly affirmed before a Notary Public. In paragraph No.4 thereof, Respondent No.2 has given her 'no objection' for quashing the crime in question. Her signature has been identified by her Advocate on record namely Mr. Vivek Sharma. The said Affidavit is taken on record.

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

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)