

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 362 OF 2023**

Tapasi Dhananjoy Sarkar

...Applicant

V/s.

Dhananjoy Sureshchandra Sarkar And Ors.

...Respondents

Ms. Kirtimala H. Kamble for Applicant.

Mr. Ajay Patil, A.P.P. for the Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 12th APRIL 2023.****P.C.:-**

1. Applicant, the first informant in C.R. No.113 of 2014 registered with Amboli Police Station, Mumbai dated 10.04.2014, under Sections 498-A, 406 & 377 of Indian Penal Code has preferred present Application under Section 482 of Criminal Procedure Code for quashing of C.C. No.836/PW/2016 pending before the learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai arising out of said C.R. No.113 of 2014.

2. Learned Advocate for Applicant submitted that, the Applicant and Respondent No.1 are wife and husband. They have settled their disputes and filed 'Consent Terms' dated 22.02.2021 in Divorce Petition No.A-2955/2014 before the 6th Family Court at Bandra, Mumbai. That, Paragraph 10(iii) of the said 'Consent Terms' provides for quashing of present proceedings i.e. C.C. No.836/PW/2016 filed by the Applicant

herein. She submitted that, in pursuance of the said 'Consent Terms' present Application is filed by the Applicant/Informant for quashing the said C.C. No.836/PW/2016.

3. Respondent No.1 is not present. Learned A.P.P. submitted that, the proceedings can be quashed in the absence of Respondent No.1 as it is the application preferred by the informant in furtherance of 'Consent Terms' executed by her before the Family Court at Bandra, Mumbai.

4. In view thereof, Application is allowed in terms of prayer Clause (a).

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)