

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1323 OF 2022**

Subroto Batabayal Bhattacharjee And Anr ...Petitioners
Versus
The State Of Maharashtra And Anr ...Respondents

Mr.Amol Patankar Advocate for Petitioners.
Mr. Vatsal Ajay Thakkar, Advocate for Respondent No.2.
Mrs. M. M. Deshmukh, APP for Respondent-State.
PSI. Nagesh S. Pisal, Kasarwadvali Police Station is present.

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

DATE : 10th APRIL 2023.

P.C.:-

1. By the present Petition, the Petitioner No.1, husband and Petitioner No.2, mother-in-law of Respondent No.2 have prayed for quashing and setting aside R.C.C. No.1547 of 2021 pending on the file of learned Judicial Magistrate First Class, 2nd Court, Thane arising out of C.R. No.I-201 of 2020 registered with Kasarvadavali Police Station, Thane City, under Sections 323, 498-A, 504, 506 read 34 of the Indian Penal Code by consent of Respondent No.2.

2. Mr. Patankar, learned Advocate for Petitioners submitted that, in pursuance of Order dated 24th June 2022, the Respondent No.2 has filed an Additional Affidavit dated 6th July 2022. The said Affidavit is accompanied with necessary and relevant exhibits including Petition for divorce by

mutual consent bearing Marriage Petition No. F-241 of 2021.

3. Record indicates that, at the time of filing of Petition, the Respondent No.2 has also affirmed an Affidavit dated 6th July 2022. In paragraph No.4 thereof, the Respondent No.2 has given her 'No Objection' in quashing of R.C.C. No.1547 of 2021 arising out of C.R. No.I-201 of 2020 registered with Kasarvadavali Police Station, Thane City, under Sections 323, 498-A, 504, 506 read 34 of the Indian Penal Code, in unequivocal terms.
4. In view thereof, Petition is allowed in terms of prayer clause (a).

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)