

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 432 OF 2023**

Akshay Anil Jain And Ors.

...Applicants

Versus

The State Of Maharashtra And Anr

...Respondents

Mr.Nitesh Bhutekar a/w Mr.Aniket Nangare a/w Ms.Priyanka Lanke
Advocate for Applicants.

Mrs. M. M. Deshmukh, APP for Respondent No.1-State.

Mr.Sagar Kothari i/by Regius Legal LLP 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. Petitioners i.e. husband (Applicant No.1), father-in-law (Applicant No.2); mother-in-law (Applicant No.3) and sister-in-law (Applicant No.4) of Respondent No.2 have filed present Application under Section 482 of Cr.P.C. for quashing of C.C. No.956/PW/2022 pending on the file of learned Metropolitan Magistrate, 15th Court, Mazgaon at Sewree, Mumbai, arising out of C.R. No.442 of 2022, dated 16th December 2021 registered with Kalachowki Police Station, Mumbai under Sections 498-A, 323 read with 34 of the Indian Penal Code, by consent of Respondent No.2.

2. Learned Advocate for the Applicants submitted that, Respondent No.2 and Applicant No.1 have filed 'Consent Terms' in the Family Court at Bandra,

Mumbai in M.J. Petition No.A-1507 of 2022 and in paragraph No.9 thereof, the Respondent No.2 has agreed to withdraw all the allegations in the present crime and quashing of it by her consent, as the parties therein have settled the dispute amicably.

3. Learned Advocate for the Applicants further submitted that, the Respondent No.2 has also filed an Affidavit dated 10th March 2023 duly affirmed before a Notary Public. In paragraph Nos. 5 and 6 thereof, the Respondent No.2 has given her consent and 'no objection' for quashing of C.C. No.956/PW/2022 pending on the file of learned Metropolitan Magistrate, 15th Court, Mazgaon at Sewree, Mumbai, arising out of C.R. No. 442 of 2022 registered with Kalachowki Police Station, Mumbai. Learned Advocate for Respondent No.2 has identified the signature of Respondent No.2 on the said Affidavit.

4. Respondent No.2 is personally present in the Court and she through her Advocate reiterated the contents of her Affidavit dated 10th March 2023 and her 'no objection' for quashing of said C.C. No.956/PW/2022 pending on the file of learned Metropolitan Magistrate, 15th Court, Mazgaon at Sewree, Mumbai.

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

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)