

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2436 OF 2021**

Vishal Jaywant Gaikwad & Ors.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Raju M. Yamgar for Petitioners.

Mrs. Geeta P. Mulekar, APP for Respondent No.1-State.

Mr. Sachin R. Pawar for Respondent No.2.

**CORAM : A.S. GADKARI AND
SHIVKUMAR DIGE, JJ.**

DATE : 14th JUNE, 2023.

PC. :

1. Leave to amend to incorporate challenge to chargesheet in the prayer clause granted. Amendment be carried out forthwith and in any event, during the course of the day.
2. Petitioners i.e. husband (Petitioner No.1); father-in-law (Petitioner No.2); mother-in-law (Petitioner No.3) and sister-in-law (Petitioner No.4) have filed present Petition for quashing of R.C.C.No. 681 of 2022 pending on the file of Judicial Magistrate First Class, Ulhasnagar arising out of C.R.No.I-29 of 2022 registered with Hill Line Police Station, Ulhasnagar, under Sections 498-A, 406 read with 34 of the Indian Penal Code with the consent of Respondent No.2 i.e. wife of Petitioner No.1.

3. Mr. Yamgar, learned Advocate appearing for Petitioner submitted that, during the pendency of present Petition, the parties herein have resolved their differences and disputes. Petitioner No.1 and Respondent No.2 have executed Consent Terms dated 31st March 2023 for divorce by mutual consent before the Family Court at Thane in MP No.A-135-2020. That, the said parties have also affirmed separate Affidavits before the Family Court admitting the contents of their Consent Terms. In clause 9.(e) of the Consent Terms, Respondent No.2 has agreed to give her 'No Objection' before this Court for quashing of the crime in question.

3. Learned Advocate appearing for Respondent No.2 tendered across the bar Consent Affidavit of Respondent No.2. The said Affidavit is duly affirmed before a Notary Public. To the said Affidavit, the proceeding initiated and adopted by Petitioner No.1 and Respondent No.2 i.e. Consent Terms, their Affidavits and other related pleadings are also annexed from pages 5 to 42. In Paragraph 5 of the Affidavit dated 14th June 2023, Respondent No.2 has given her 'No Objection' for quashing of R.C.C.No.681 of 2022 pending on the file of learned Judicial Magistrate First Class, Ulhasnagar.

4. In view of the above, the Petition is allowed in terms of prayer clauses (b) and (bi).

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)