

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 819 OF 2023**

Vijay Singh Jamwal & Ors.

... Applicants

V/s.

The State of Maharashtra & Anr.

... Respondents

Ms. Shaila M. Joshi i/b. Ms. Manasavi Mawani for Applicants.

Mr. Ajay Patil, A.P.P. for Respondent No.1-State.

Ms. Heena Siddique i/b. Ms. Pratibha Banger for Respondent No.2.

PSI Mr.C.D. Dalvi, Malad Police Station, Mumbai is present.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 12th July 2023.****P.C. :**

1. Leave to amend to incorporate challenge to CC No.3465/PW/2022 pending on the file of Metropolitan Magistrate, 24th Court, Borivali, Mumbai is granted. Amendment be carried out forthwith.

2. Applicants i.e. husband, mother-in-law and sister-in-law of Respondent No.2 have filed present application under Section 482 of Criminal Procedure Code for quashing of CC No.3465/PW/2022 pending on the file of Metropolitan Magistrate, 24th Court, Borivali, Mumbai, arising out of CR No. 0172 of 2022, dated 13th March 2022, registered with Malad Police Station, Mumbai, under Sections 498A, 342, 323, 504, 506, 354D of Indian Penal Code and Section 23 of Juvenile Justice (Care and Protection of Children) Act, with the consent of Respondent No.2.

3. Learned Advocate for Applicants submitted that, the Applicant No.1 and Respondent No.2 have settled their differences and disputes by executing 'Consent Terms' dated 29th March 2023 before the Family Court at Bandra, Mumbai in Petition No. A/1608/2020. In para No.8 thereof, the parties herein have agreed for quashing of the present crime and Respondent No.2 has further agreed to give her consent for quashing of the same. That the present Application is filed in furtherance of the said Consent Terms.

4. Learned Advocate for Respondent No.2 has tendered across the bar her Affidavit dated 12th July 2023, duly affirmed before the Assistant Registrar of this Court. It is stated therein that, the Applicants and Respondent No.2 have settled the matter amicably and she has asserted of filing the Consent Terms before the Family Court. In para No.5 thereof, she has given her 'no objection' for quashing of the crime in question. Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 12th July 2023 and her 'no objection' in quashing the said CC No.3465/PW/2022 pending on the file of Metropolitan Magistrate, 24th Court, Borivali, Mumbai.

5. In view of above, Application is allowed in terms of prayer Clause (b) and amended prayer Clause (b-1).

[SHIVKUMAR DIGE, J.]

[A.S. GADKARI, J.]