

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1998 OF 2023**

Vaibhav Sudhir Dani & Ors.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Mahesh B. Gupta i/b. Mr.Pradyumna Waghmare for Petitioners.

Mr.S.S. Hulke, A.P.P for Respondent No.1-State.

Mr.Jitendra Tiwari for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 21st June 2023.****PC. :**

1. Petitioners i.e. husband (Petitioner No.1), father-in-law (Petitioner No.2), mother-in-law (Petitioner No.3), sister-in-law (Petitioner No.4) and husband of sister in law (Petitioner No.5) of Respondent No.2 have filed present Petition for quashing of CC No. 495/PW/2022 pending on the file of learned Metropolitan Magistrate, 27th Court, Mulund, Mumbai, arising out of CR No. 798 of 2021 dated 17th July 2021 registered with Mulund Police Station, Mumbai under Sections 498A, 354, 509, 323, 406, 504, 506 read with 34 of Indian Penal Code, with the consent of Respondent No.2.

2. Learned Advocate for Petitioners submitted that, the Petitioner No.1 and Respondent No.2 have executed Consent Terms dated 7th February

2023 before the Family Court No.7, Bandra, Mumbai in Petition No. A- 2037 of 2019. In para No.8(ii), the Respondent No.2 has agreed and undertaken to cooperate with the Petitioner No.1 in quashing CC No. 495/PW/2022 pending on the file of learned Metropolitan Magistrate, 27th Court, Mulund, Mumbai and in furtherance thereof present Petition is filed.

3. Learned Advocate for Respondent No.2 tendered across the bar an Affidavit of Respondent No.2 dated 21st June 2023, duly affirmed before a Notary Public. In para No.9 thereof, Respondent No.2 has given her 'no objection' for quashing of crime in-question.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her affidavit dated 21st June 2023 and her 'no objection' for quashing of CC No. 495/PW/2022 pending on the file of learned Metropolitan Magistrate, 27th Court, Mulund, Mumbai.

4. In view of above, Petition is allowed in terms of prayer Clause (a).

[SHIVKUMAR DIGE, J.]

[A.S. GADKARI, J.]

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