

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4899 OF 2021**

C.M. Shahu & Ors.

.. Petitioners

V/s.

State of Maharashtra and Ors.

.. Respondents

Mr. Ajinkya Udane for Petitioners

Mr. S. S. Hulke, APP for Respondent Nos. 1 and 2

Mr. Aakash Kotecha for Respondent No.3

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 16th JUNE 2023.****P.C. :**

1. Leave to amend to incorporate challenge to the charge-sheet i.e. R.C.C. No. 3134 of 2020 pending on the file J.M.F.C. Pune, granted.

Amendment to be carried out forthwith and in any event, during the course of the day.

2. Petitioners i.e. Husband (Petitioner No.1); Brother-in-law (Petitioner No.2); Father-in-law (Petitioner No.3) and Mother-in-law (Petitioner No.4) of Respondent No.3 have filed present petition for quashing of R.C.C.No.3134 of 2020 pending on the file of J.M.F.C., Pune arising out of C.R.No.1272 of 2019 dated

12.12.2019 under Section 498-A, 323 read with 34 of Indian Penal Code, registered with Hinjewadi Police Station, Pimpri Chinchwad, Pune with the consent of Respondent No.3.

3. Learned Advocate for Petitioners submitted that, Petitioners and Respondent No.3 have settled their disputes and differences amicably and have filed Petition bearing R.C.S. No. 855 of 2023 under Section 13B of the Hindu Marriage Act before Principal Judge, Family Court, Indore, State of Madhya Pradesh. In paragraph No.6.3 thereof, the Respondent No.3 has agreed to file appropriate affidavit for quashing of crime in question i.e. R.C.C. No. 3134 of 2020 pending on the file of J.M.F.C., Pune. It is also stated therein that, the present Petition for quashing of the said crime is pending before this Court. He submitted that, parties herein have settled the matter amicably and the said Petition filed before the Family Court at Indore is pending for passing final Orders. That, if the present Petition is allowed, Petitioners will adopt appropriate steps for early hearing of the said application before the Family Court at Indore.

4. Respondent No.3 tendered across the bar her affidavit dated 16.06.2023 duly affirmed before the Assistant Registrar of this Court. In paragraph No. 5 thereof, Respondent No.3 has given her consent for allowing present Petition in the light of the amicable

settlement arrived between the parties herein and for quashing of R.C.C. No. 3134 of 2020 pending in the file of J.M.F.C. Pune.

5. Respondent No.3 is personally present in Court and through her Advocate reiterates the contents of the affidavit dated 16.06.2023 and her 'no objection' for quashing R.C.C.No. 3134 of 2020.

6. In view of the above, the Petition is allowed in terms of prayer clauses (a) and a(1).

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)