

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3529 OF 2022**

Mugilan Ganpathi & Ors.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Sushil Upadhyay for Petitioners.

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

Mr.Kiran Oza h/f. Mr.Abhishek Gupta for Respondent No.2.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 28th March 2023.****PC. :**

1. By the present Petition, the Petitioners i.e. husband; mother-in-law; brother-in-law and sister-in-law respectively of Respondent No.2 have prayed for quashing of CC No.184/PW/2017 pending on the file of the learned Metropolitan Magistrate, 26th Court, Borivali, Mumbai arising out of CR No. 45 of 2016 registered with Borivali Police Station, Mumbai under Section 498A, 406, 34 of the Indian Penal Code by consent.

2. Learned Advocate for Petitioners submitted that, the Petitioner No.1 and Respondent No.2 have settled the matter amicably and have submitted 'Consent Terms' in divorce proceedings bearing Petition No. A-481 of 2018 before the Family Court at Bandra, Mumbai. The Family Court has accepted the said Consent Terms and has passed decree in the said

proceedings.

3. Learned Advocate for Respondent No.2 conceded to the said facts and submitted that, the Respondent No.2 has also filed an affidavit dated 22nd November 2022 in the present proceedings and has given her 'no objection' for quashing of the said CC No.184/PW/2017 arising out of CR No. 45 of 2016.

4. Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of the Consent Terms and the Affidavit dated 22nd November 2022. She through her Advocate also gave no objection for quashing of CC No.184/PW/2017 arising out of CR No. 45 of 2016.

5. In view of above, said CC No.184/PW/2017 arising out of CR No. 45 of 2016 is quashed and Petition is allowed in terms of prayer Clause (a).

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]

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