

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 440 OF 2023

Chirag Rajesh Kotecha And Ors.

...Applicants

V/s.

The State Of Maharashtra And Anr.

...Respondents

Mr. Prashant G. Badole for Applicants.

Mrs. M. M. Deshmukh, A.P.P. for Respondent No.1-State.

Mr. Chirag Mehta, for Respondent No.2.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 3rd MAY 2023.

P.C.:-

. Applicants i.e. husband (Applicant No.1); mother-in-law (Applicant No.2); and Sister-in law (Applicant No.3) of Respondent No.2 have filed present Application under Section 482 of Cr.P.C. for quashing of C.C. No.109 of 2023 pending on the file of learned Metropolitan Magistrate, 68th Court, Borivali, Mumbai arising out of C.R. No.668 of 2021 registered with MHB Colony Police Station, Mumbai, under Sections 498-A, 406, 323, 504 read with Section 34 of Indian Penal Code by consent of Respondent No.2.

2. Learned Advocate for the Applicants submitted that, the Respondent No.2 and Applicant No.1 have executed 'Consent Terms' dated 06.04.2023 before the Family Court, Bandra at Mumbai in Petition No. A-1931 of 2021. That, in Paragraph No.7 thereof, the Respondent No.2 has agreed and

undertaken to cooperate with the Applicant for quashing the crime in question on the Applicants complying with certain terms and conditions mentioned in the said 'Consent Terms'. That, in furtherance thereof, present Application is filed.

3. Learned Advocate for Respondent No.2 submitted that, Respondent No.2 has filed an Affidavit dated 27.04.2023 duly affirmed before a Notary Public. The signature of Respondent No.2 has been identified by her Advocate. In Paragraph Nos.2 & 3 thereof, the Respondent No.2 has given her consent and 'no objection' for quashing of C.C. No.109 of 2023 pending on the file of learned Metropolitan Magistrate, 68th Court, Borivali, Mumbai arising out of C.R. No.668 of 2021 registered with MHB Colony Police Station, Mumbai.

Respondent No.2 is personally present in the Court and through her Advocate reiterated the contents of her Affidavit dated 27.04.2023 and her 'no objection' for quashing of said C.C. No.109 of 2023 pending on the file of learned Metropolitan Magistrate, 68th Court, Borivali, Mumbai arising out of C.R. No.668 of 2021 registered with MHB Colony Police Station, Mumbai.

4. In view of the above, Application is allowed in terms of prayer Clause 17(b).

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)