

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1941 OF 2023

Tushar Popatrao Dubal & Ors.

... Petitioners

V/s.

State of Maharashtra & Anr.

... Respondents

Mr. Samarth Moray i/b. Ms. Shivani Shinde for Petitioners.

Mr. Ajay Patil, APP for Respondent No.1-State.

Mr. Pankaj Deokar for Respondent No.2.

PSI-Amruskar D. T. Bhandup Police Station Mumbai present.

CORAM : A.S. GADKARI AND
SHIVKUMAR DIGE, JJ.

DATE : 12th JUNE, 2023.

PC. :

1. Leave to amend to incorporate challenge to the charge-sheet bearing CC.No.336/PW/2023 in the prayer clause of the Petition is granted. Amendment be carried out forthwith and in any case during the course of the day.

2. By the present Petition under Article 226 of the Constitution of India and under Section 482 of the Cr.PC., Petitioners, i.e. Husband (Petitioner No.1); Mother-in-Law (Petitioner No.2) and Father-in-Law (Petitioner No.3) have prayed for quashing of C.C.No.336/PW/2023 arising out of C.R.No. 934 of 2022 registered with Bhandup Police Station, Mumbai under Sections 498-A, 323, 406, 504 read with 34 of Indian Penal Code, by consent of Respondent No.2 i.e. wife of Petitioner No.1.

3. Mr. Moray, learned counsel appearing for Petitioners submitted that, the Petitioners and Respondent No. 2 have executed Consent Terms dated 4th February, 2023 in ABA No. 2663 of 2022 before the learned Additional

SHANTANU
SHANKARSA
DHUDUM

Digitally signed by
SHANTANU
SHANKARSA
DHUDUM
Date: 2023.06.14
09:54:27 +0530

Session Judge, Greater Mumbai. That, in Paragraph No.6 thereof, Respondent No.2 has agreed and undertaken to cooperate in quashing of present crime by consent. It is submitted that, in pursuance of the said Consent Terms dated 4th February, 2023, present Petition is filed.

4. Mr. Deokar learned Advocate appearing for Respondent No. 2, wife tendered across the bar an Affidavit dated 12th June, 2023 duly affirmed by Respondent No.2 before the Assistant Registrar of this Court. In Paragraph Nos. 6 and 7 thereof, Respondent No. 2 has agreed and undertaken to withdraw all the allegations levelled against the Petitioners and has agreed for quashing of present crime by her consent. *Inter alia* Respondent No. 2 has given her consent for quashing of present crime.

5. Both the learned Advocates appearing for respective parties submitted that the terms and conditions of the Consent Terms dated 4th February 2023 have been complied with by the Petitioners and nothing is remained to be adhered to thereof by the Petitioners.

Respondent No. 2 is personally present in the Court and through her Advocate reiterated the contents of her Affidavit dated 12th June, 2023 and her “no objection” in quashing the C.C.No.336/PW/2023 pending on the file of learned Metropolitan Magistrate, 53rd Court, Mulund, Mumbai.

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

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)