

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.1977 OF 2023**

Manu Shaileshcnadra Mishra & Ors. ...Petitioners
V/s.
The State of Maharashtra & Anr. ...Respondents

Mr.Swapnil V. Walve, for the Petitioners.
Mrs.G.P. Mulekar, APP for the Respondent-State.
Mr.Shirish Shigwan a/w Mr.Pankaj Khandelwal, for Respondent No.2.

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

DATE : 28th JUNE 2023

P.C.

1. Leave to amend to correct number of the FIR in the pleadings and prayer clauses granted. Amendment be carried out forthwith and in any event during the course of the day.
2. Petitioners, i.e. Husband (Petitioner No.1), father-in-law (Petitioner No.2) and mother-in-Law (Petitioner No.3) of Respondent No.2 have filed present Petition under Article 226 of the Constitution of India for quashing of C.R. No.277 of 2017 registered with Kasturba Marg Police Station, Mumbai under Section 498-A, 323 and 504 read with Section 34 of the IPC, with consent of Respondent No.2 i.e. wife of Petitioner No.1.

3. Learned Advocate for the Petitioners submitted that, the Petitioner No.1 and Respondent No.2 have executed Consent Terms dated 19th April 2023 before the Family Court at Indore, State of Madhya Pradesh. In paragraph No.8 thereof, the parties herein have agreed for quashing of crime in question by understanding and co-operation with each other. The present Petition is filed in furtherance of the said consent terms.

4. Learned Advocate appearing for Respondent No.2 submitted that Respondent No.2 has affirmed a Consent Affidavit dated 16th June 2023 before a Notary Public, Indore, which is annexed at page No.41 of the Petition. In paragraph No.7 thereof, the Respondent No.2 has stated that, she is not having any grievance against the Petitioners and executed the said affidavit with her own consent and without influence and pressure from anybody. She has also consented for quashing of the crime in question.

5. Respondent No.2 personally present in the Court and through her Advocate reiterates the contents of the Affidavit dated 16th June 2023 and gives her 'no objection' for quashing of the crime in question.

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

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)