

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 599 OF 2018**

Wesley Krishnaraj Kalapi And Ors.

... Applicants

V/s.

Garima Wesley Kalapi And Anr.

... Respondents

Ms. Riya Rele i/b Mr. Siddhartha Shah & Associates for Applicants.

Ms. Shikhani Shah for Respondent No.1.

Mrs. G. P. Mulekar, APP for Respondent No.2-State.

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

DATE : 10th JULY, 2023.

PC. :

1. Petitioners i.e. husband and in-laws of Respondent No.1 have filed present Application under Section 482 of the Cr.P.C. for quashing of C.C. No. 359/PW/2016 pending on the file of learned Metropolitan Magistrate, 8th Court, Esplanade, Mumbai, arising out of C.R. No.37 of 2014, dated 27th March, 2014, registered with Colaba Police Station, Mumbai, under Sections 498A, 323, 324, 406, 377 read with Section 34 of the Indian Penal Code and under Section 67(A) of the Information Technology Act, with consent of Respondent No.1.

2. Respondent No.1 has filed Affidavit dated 10th July, 2023, duly affirmed before a Notary Public. It is stated therein that, due to the strained matrimonial relations with Applicant No.1, she has lodged the present

crime. That, the Family Court at Bandra, Mumbai has passed Decree of Divorce dated 17th February, 2018 in Petition No. A-528 of 2014. In para No.6 thereof, it is stated that, in view of the said decree Respondent No.1 is not willing to proceed further with the present case. In para No.7 she has given her no objection for allowing present Application for quashing of crime in question.

Respondent No.1 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 10th July, 2023 and her “no objection” for quashing of the crime in question.

3. In view thereof, Application is allowed in terms of prayer clauses “a” and “b”.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)

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