

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 255 OF 2021**

Ashutosh Ashok Joglekar .. Petitioner
V/s.
State of Maharashtra & Anr. .. Respondents

WITH
INTERIM APPLICATION NO. 1734 OF 2021
IN
CRIMINAL WRIT PETITION NO. 255 OF 2021

Anushka Ashutosh Joglekar .. Applicant
V/s.
Ashutosh Ashok Joglekar and Anr. .. Respondents

WITH
CRIMINAL WRIT PETITION NO. 256 OF 2021

Ashok Waman Joglekar and Anr. .. Petitioners
V/s.
State of Maharashtra & Anr. .. Respondents

WITH
INTERIM APPLICATION NO. 1354 OF 2021
IN
CRIMINAL WRIT PETITION NO. 256 OF 2021

Anushka Ashutosh Joglekar .. Applicant
V/s.
Ashok Waman Joglekar and Ors. .. Respondents

Ms. Swapna P. Kode for Petitioners
Mrs. G. P. Mulekar, APP for Respondent No.1 – State
Ms. Namrata Agashe for Respondent No.2

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

DATE : 16th JUNE 2023.

PC. :

1. Petitioner in Writ Petition No. 255 of 2021 is the husband and Petitioners in Writ Petition No. 256 of 2021 are in-laws of Respondent No.2 i.e. wife of Petitioner in Writ Petition No. 255 of 2021.

2. Petitioners have filed present Petitions for quashing of C.R.No. 46 of 2020 registered with Kothrud Police Station, Pune for the offences punishable under Sections 377, 498A, 420, 323, 504, 506 read with 34 of Indian Penal Code.

3. Initially, by an Order dated 29.01.2021, Petitioner-husband and Respondent No.2-wife were referred for mediation. The learned Mediator had submitted its report dated 30.03.2021 stating that, there was non-unanimity amongst the parties about the resolution of the dispute and had submitted the failure report.

4. Subsequently, by an Order dated 15.09.2022, the learned Judge (Retired) of this Court was appointed as a Mediator. On second occasion, the mediation proceeding attained success and the parties herein executed Consent Terms dated 01.02.2023.

Clause No.10(b) of the Consent Terms provides for quashing of the present crime on the payment of full and final settlement amount.

5. Learned Advocate appearing for Respondent No.2 -wife on instructions submitted that, she has received the entire amount towards full and final settlement in furtherance of the Consent Terms dated 01.02.2023. She tenders across the bar an affidavit-in-reply of Respondent No.2 dated 08.03.2023, duly affirmed before Consul, Consulate General of India, Toronto. In paragraph No.7 thereof, Respondent No.2 has given no objection for quashing the present crime i.e. C.R. No. 46 of 2020 dated 03.03.2020 registered with Kothrud Police Station, Pune.

6. Learned Advocate for Respondent No.2 on instructions, reiterates the contents of affidavit dated 08.03.2023 and her 'no objection' in quashing the said crime.

7. In view of the above, both the Writ Petitions are allowed in terms of prayer clause (a).

8. In view of disposal of Writ Petitions, Interim Application No.1734 of 2021 and Interim Application No.1354 of 2021 does not survive and are disposed off.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)