

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2506 OF 2022**

Ujjwal Hariram Upadhayay & Ors.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Mahindra Pandey for the Petitioners.

Mr. Amey Asjaonkar a/w Malhar Pawar i/by Shivraj Kunchge for Respondent No.2.

Mrs. M.M. Deshmukh APP for the Respondent-State.

Mr. Dinesh Aher, H.C. Kashmirira Police Station present.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 3rd APRIL, 2023.****PC.:-**

By the present Petition the Petitioners original accused in C.R. No.0824 of 2021 dated 3rd December, 2021 registered with Kashmirira Police Station, Mira-Bhyandar, Vasai-Virar Police District under Sections 376(2) (n), 504 and 506 of the Indian Penal Code have prayed for quashing of the said crime, by consent of Respondent No.2.

2) Perusal of record indicates that, in Order dated 24th January, 2023, our predecessors have observed that, after lodgment of present crime, the Petitioner No.1 has married with the Respondent No.2 and a Marriage Certificate is annexed at "Exh-A" of page 31 of the present Petition. This Court therefore had directed the learned APP to verify the said Marriage

Certificate.

- 3) Today learned APP on instructions from Mr. Aher, H.C. Kashimira Police Station submitted that, the said Marriage Certificate annexed at page No.31 is a genuine document.
- 4) Respondent No.2 has affirmed an Affidavit dated 19th January, 2023 and in it she has given her '*no objection*' for quashing of the said FIR by her consent. Respondent No.2 is personally present in the Court and through her Advocate reiterated the averments made in the said Affidavit dated 19th January, 2023 and her consent for quashing of the said crime.
- 5) In view of the above, Petition is allowed in terms of prayer clause (a).

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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MASHALKAR
Date: 2023.04.11
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