



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 5255 OF 2018**

Javed Gulam Nabi Mistry

... Petitioner

Versus

The State of Maharashtra and others

... Respondents

.....

None for the Petitioner.

Mr. S.V. Gavand, APP for the State.

Ms. Shobha Londhe for Respondent No.3.

.....

**CORAM : NITIN W. SAMBRE &
N.R. BORKAR, JJ.**

DATED : 17 OCTOBER 2023

P.C. :-

1. The prayer is for quashing of FIR in Crime No.590 of 2017 registered with D.N. Nagar Police Station at the instance of respondent no.3 for the offence punishable under Sections 498A, 323, 504, 506 of Indian Penal Code, registered on 16 October 2017.
2. The petitioner-husband got married with respondent no.3-complainant on 26 December 2015.
3. The allegations are of assault and cruelty.
4. On 5 September 2023 this Court was informed that petitioner and respondent no.3 have started residing together and as such respondent no.3 can extend consent for quashing.

6. The respondent no.3 is personally present in Court with petitioner. Respondent no.3 is represented through counsel who has identified respondent no.3.

7. We have interacted with the respondent no.3 through learned APP. We are informed that respondent no.3 and petitioner started residing together after the birth of their son on 11 December 2017 and till this date they are residing together.

8. The respondent no.3 who is present in court in the aforesaid background has extended consent for quashing.

9. Our attention is invited and rightly so by the learned APP to the consent extended by respondent no.3 for grant of bail to the petitioner before the Sessions Court. The said Affidavit is executed by both i.e. petitioner and respondent no.3. Even today also the petitioner and respondent no.3 stood by contents of the said affidavit as is put by the learned APP Mr. Gavand.

10. In view thereof, the present writ petition stands allowed in terms of prayer clause (a).

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)