

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2331 OF 2022**

Shabaz Dilawar Khan And Ors.

...Petitioners

V/s.

The State Of Maharashtra And Anr.

...Respondents

Ms. Mildred Dias for Petitioners.

Mrs. M. M. Deshmukh, A.P.P. for the Respondent No.1-State.

Mr. Ajaz M. Khan for Respondent No.2.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 23rd MARCH, 2023****P.C.:-**

. By the present Petition, Petitioner No.1-husband and Petitioner Nos.2 to 5, i.e. in-laws of Respondent No.2 have prayed for quashing of Criminal Complaint No.1322/PW/2018 pending on the file of learned Metropolitan Magistrate 31st Court, Vikhroli, Mumbai arising out of C.R. No.408 of 2018 registered with Parksite Police Station, Vikhroli, Mumbai on 18.09.2018 under Sections 498(A), 406, 323, 504 read with Section 34 of Indian Penal Code by consent of Respondent No.2.

2. Learned Advocate for the Petitioners submitted that, the Petitioners and Respondent No.2 have filed 'Consent Terms' in Notice No.199/DV/2018 before learned Additional Chief Metropolitan Magistrate 31st Court, Vikhroli, Mumbai. That, the said Notice was filed by Respondent No.2

under the provisions of Protection of Women from Domestic Violence Act 2005. That, the Petitioner No.1 and Respondent No.2 are thereafter happily residing together for last about 19 months. She submitted that, Respondent No.2 has given her consent for quashing of said Criminal Complaint No. 1322/PW/2018 pending on the file of learned Metropolitan Magistrate 31st Court, Vikhroli, Mumbai.

3. Learned Advocate for Respondent No.2 submitted that, Respondent No.2 has filed an Affidavit dated 01.07.2022 duly affirmed before the Assistant Registrar of this Court. That, the Respondent No.2 in Paragraph Nos.7 & 8 has given her 'no objection' for quashing of the said C.R.No.408 of 2018 and the said Complaint.

4. We have perused the documents. It supports the submissions advanced by the learned Advocates for the respective parties.

5. In view thereof, Criminal Complaint No. 1322/PW/2018 pending on the file of learned Metropolitan Magistrate 31st Court, Vikhroli, Mumbai arising out of C.R. No.408 of 2018 registered with Parksite Police Station, Vikhroli, Mumbai. is quashed and set aside.

6. Petition is allowed in terms of prayer Clause (a).

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)