

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 644 OF 2023**

Kaushal Raju Kunder and Ors. .. Applicants

V/s.

Darshan Kushal Kunder and Anr. .. Respondents

Dr. Samarth S. Karmarkar i/by Karmarkar & Associates for Applicants.

Ms. Reshma R. Apte for Respondent No.1.

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

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

DATE : 05 JULY 2023

PC. :

1. By the present Application, under Section 482 of the Criminal Procedure Code, 1973, the husband and in-laws of Respondent No.1 have prayed for quashing of C.C. No. 1661/PW/2023 pending on the file of learned Metropolitan Magistrate, 17th Court at Borivali, Mumbai arising out of C.R.No. 941 of 2021 registered with Kandivali Police Station, Mumbai under Sections 498A, 325, 323, 504, 506 read with 34 of I.P.C., with the consent of Respondent No.1.

2. Learned Advocate for Applicants submitted that, Applicant No.1 and Respondent No.2 have executed Consent Terms by Mutual Consent Divorce dated 22.02.2023 before the Family

Court at Bandra, Mumbai. In paragraph No. 7 thereof, Respondent No.1 has agreed to withdraw present complaint lodged with Kandivali Police Station, Mumbai against the Applicant No.1. He submitted that, in pursuance of the said Consent Terms, present Application is filed.

3. Learned Advocate for Respondent No.1 submitted that, Respondent No.1 has affirmed an Affidavit dated 08.06.2023 before a Notary Public. In paragraph Nos. 4 and 6 thereof, she has given her no objection and has stated about the swearing of the said Affidavit to support the Application for quashing the crime in question.

Respondent No.1 is personally present in Court and through her Advocate reiterates the contents of her Affidavit dated 08.06.2023 and her 'no objection' for quashing of the crime in question.

4. In view of the above, Application is allowed in terms of prayer Clause (a).

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)

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