

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2048 OF 2023**

Vishal Vimal Agrawal and Ors.

.. Petitioners

V/s.

State of Maharashtra & Anr.

.. Respondents

Mr. Harish Pandya a/w. Mr. Rajendra Rathod and Mittal Munoth for
Petitioners

Mrs. G. P. Mulekar, APP for Respondent No.1 – State

Mr. Dhruv Balan a/w. Ms. Nidhi Agrawal for Respondent No.2.

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

DATE : 26th JUNE 2023.

P. C. :

1. By the present Petition, under Article 226 of the Constitution of India and under Section 482 of the Criminal Procedure Code, 1973, Petitioners i.e. Husband (Petitioner No.1); Father-in-Law (Petitioner No.2); Mother-in-Law (Petitioner No.3); Sister-in-Law (Petitioner No.4); Husband of Petitioner No.4 (Petitioner No.5) and employee of the family concern / firm of Petitioner Nos. 1 to 3 (Petitioner No.6) have prayed for quashing of C.C.No. 3002160/PW/2022 pending on the file of learned Metropolitan Magistrate, 30th Court at Kurla, Mumbai arising out of C.R. No. 421 of 2021 dated 02.07.2021 registered with Matunga

Police Station, Mumbai under Sections 498A, 420, 406, 342, 323, 504, 506, 120(B) read with 34 of I.P.C. and under Sections 2 and 4 of the Dowry Prohibition Act, 1961, with consent of Respondent No.2. i.e. wife of Petitioner No.1.

2. Learned Advocate for Petitioners submitted that, Petitioner No.1 and Respondent No.2 have filed Consent Terms dated 06.06.2023 for divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 in M. J. Petition No. A-1644 of 2022, before the Family Court at Bandra, Mumbai. In paragraph No. 6 thereof, it is agreed that, Petitioner No.1 shall approach this Court for quashing of C.C.No. 2160/PW/22 (C.R.No. 421/2021) dated 02.07.2021 and Respondent shall cooperate for quashing the same. He submitted that, in pursuance of the said Consent Terms, present Petition is filed.

3. Learned Advocate for Respondent No.2 tendered across the bar her Affidavit dated 26.06.2023, duly affirmed before a Notary Public. In paragraph No. 6 thereof, Respondent No.2 has given her no objection and consent for quashing of the crime in question.

Respondent No.2 is personally present in Court and through her Advocate reiterates the contents of her Affidavit dated 26.06.2023 and her 'no objection' for quashing of the crime in question.

4. In view of the above, Petition is allowed in terms of prayer clauses (a) to (f).

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)