

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2348 OF 2023**

Hrudaynath Kashinath Mhatre & Anr.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Rakesh Patil for the Petitioners.

Mr. S.S. Hulke APP, for the Respondent-State.

Adv. Ms. T.U. Chavan i/by Adv. P.S. Chavan for the Respondent No.2.

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

DATE : 11th AUGUST, 2023.

P.C.:-

1) Husband and mother-in-law of Respondent No.2 have invoked jurisdiction of this Court under Article 226 of the Constitution of India for quashing of Atrocity Special Case No.232 of 2019 pending on the file of District Court-3 and Additional Session Judge, Panvel arising out of C.R. No.I-219 of 2016 dated 23rd October, 2016 registered with Kalamboli Police Station, Navi Mumbai under Sections 498A, 504 and 506 read with Section 34 of the Indian Penal Code and under Sections 3 (1) (r) & 3 (1) (s) of the the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and under Section 67(a) of the Information Technology Act, with consent of Respondent No.2.

2) Respondent No.2 has filed Affidavit dated 13th July, 2023 duly affirmed before the Assistant Registrar of this Court. It is stated therein that, she and the Petitioner No.1 have agreed to take divorce by mutual consent under Section 13B of Hindu Marriage Act, 1955. She has further stated that, she does not wish to pursue present case further and has given her no objection for quashing of crime in question.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 13th July, 2023 and her 'no objection' for quashing of the crime in question.

3) Taking into consideration the relations inter-se between the parties and the fact that the crime in question basically arises out of matrimonial discord, we are inclined to quash Atrocity Special Case No.232 of 2019 pending on the file of District Court-3 and Additional Session Judge, Panvel.

In view of the above, Petition is allowed in terms of prayer clause (a1).

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)

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SHARNAPPA
MASHALKAR
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