

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.5483 OF 2021

Brijesh Manilal Shah and another	Petitioners
versus	
The State of Maharashtra and another	Respondents

Mr.Hiren Mehta, Advocate for Petitioners.
Mr.Pradeep P Kumawat i/by Mr.Madan HJ. Gharat, Advocate for
Respondent no.2.
Mr.S.S.Hulke, APP, for State.

**CORAM : A.S.GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 27th March 2023

PC :

1. By the present Petition, Petitioners, husband (Petitioner no.1), father in law (Petitioner no.2), brother in law (Petitioner no.3) and sister in law (Petitioner no.4) of Respondent no.2 are seeking quashment of R.C.C No.331 of 2022 pending on the file of Judicial Magistrate First Class, Vashi, arising out of FIR No.I-435 of 2019 registered with Vashi Police Station, Navi Mumbai, under Sections 498-A, 323, 500, 506, 504 r/w 34 of IPC, by consent of Respondent no.2, wife.

2. Learned Advocate for Petitioners submitted that, Respondent no.2 has affirmed an Affidavit dated 12th July 2022. In paragraph no.4 of the said Affidavit, Respondent no.2 has given her

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unconditional No Objection to quash and set aside said FIR and charge sheet filed therein.

3. Learned Advocate appearing for Respondent no.2 submitted that signature of Respondent no.2 has been duly identified by Advocate Mr.Madan H.Gharat i.e. advocate on record for Respondent no.2.

4. In view thereof, Petition is allowed in terms of prayer clause (b), which reads as under :-

“b) That this Hon’ble Court, in exercise of its jurisdiction under Article 226 of The Constitution of India, be pleased to issue a Writ of Mandamus or any other Writ, Order of direction thereby quashing and setting aside F.I.R. No.I-435 of 2019 registered with Vashi Police Station under Sections 498-A, 323, 500, 506, 504 read with Section 34 of the Indian Penal Code and Charge Sheet bearing RCC No.331 of 2022 on the complaint of Respondent no.2.”

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST