

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 840 OF 2023**

Edward Elias Alphonso And Ors.

... Applicants

V/s.

State Of Maharashtra And Anr.

... Respondents

Mr. Susan Abraham a/w Ms. Diana Sequeira for Applicants.

Mr. Ajay Patil, APP for Respondent No.1-State.

Mr. Narayan B. Suvarna for Respondent No.2.

**CORAM : A.S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 18th JULY, 2023.****PC. :**

1. Husband and in-laws of Respondent No.2 have filed present Application under Section 482 of the Cr.P.C., for quashing of C.R. No. 365 of 2022 dated 24th April, 2022 registered with MHB Police Station, Borivali (West), Mumbai, under Sections 498A, 504, 506 read with Section 34 of the Indian Penal Code, with consent of Respondent No.2.

2. Learned Advocate for Applicants submitted that, Applicant No.1 and Respondent No.2 have filed a Petition for Divorce bearing No. F/3855/2022, under Section 10(A) of the Divorce Act, 1869 before the Family Court at Bandra, by mutual consent. In para No. 16 thereof, Respondent No.2 has agreed to co-operate with Applicant No.1 for quashing of crime in question. He submitted that, the said Petition is still

pending for final adjudication. In furtherance of filing of said Petition before Family Court at Bandra, present Petition is filed.

3. Respondent No.2 has filed an Affidavit dated 27th June, 2023 duly affirmed before a Notary Public. In para No.3 thereof, Respondent No.2 has given her no objection for quashing of C.R. No. 365 of 2022 registered with MHB Police Station, Borivali (West), Mumbai.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 27th June, 2023 and her “no-objection” for quashing of the crime in question.

4. In view thereof, Application is allowed in terms of prayer clause (a).

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)

CHAITANYA
ASHOK
JADHAV

Digitally signed
by CHAITANYA
ASHOK JADHAV
Date:
2023.07.28
16:45:40 +0530