

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

**CRIMINAL WRIT PETITION NO. 1589 OF 2021
WITH
INTERIM APPLICATION NO. 5517 OF 2023**

Viral Prakash Bhanushali ...Petitioner
V/s.
The State Of Maharashtra And Anr. ...Respondents

**WITH
CRIMINAL WRIT PETITION NO. 1545 OF 2021**

Prakash Bhanushali And Anr. ...Petitioners
V/s.
The State Of Maharashtra And Anr. ...Respondents

**WITH
CRIMINAL WRIT PETITION NO. 1549 OF 2021**

Dimple Bhanushali And Anr. ...Petitioners
V/s.
The State Of Maharashtra And Anr. ...Respondents

Ms. Krupali Rajani for Petitioners.
Mrs. M. M. Deshmukh, A.P.P. for the Respondent No.1-State.
Ms. Divya Parab, for Respondent No.2.

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

DATE : 23rd MARCH, 2023

P.C.:-

. Petitioner in Writ Petition No.1589 of 2021 is the husband of Respondent No.2. The Petitioners in Writ Petition Nos.1545 of 2021 and 1549 of 2021 are the in-laws of Respondent No.2.

2. By the present Petitions under Article 226 of the Constitution of India, the Petitioners have prayed for quashing of C.C. No.205/PW/2022 pending on the file of learned Metropolitan Magistrate 9th Court, Mulund, Mumbai, arising out of C.R. No.680 of 2020 registered with Mulund Police Station, Mumbai for offences under Sections 498(A), 377, 354, 504 & 506(2) & 323 read with Section 34 of Indian Penal Code.

3. Learned Advocate for the Petitioners submitted that, the Petitioners and Respondent No.2 have settled the matter amicably and 'Consent Terms' have been filed before the Family Court at Bandra, Mumbai in MJ Petition No.A-581 of 2021 on 28.12.2022. That, Clause Nos. (d) (f) & (h) of the said 'Consent Terms' provides for quashing of present crime along with charge-sheet by consent of Petitioner-husband and Respondent No.2- wife. She submitted that, Respondent No.2 is presently pursuing her education in United Status of America. That, Respondent No.2 has also affirmed Affidavit/s dated 14.10.2022 before Notary Public- California, San Francisco County, United States of America giving her 'no objection' for quashing of present crime by consent.

The compilation of 'Consent Terms', General Power of Attorney and No Objection Affidavit/s of Respondent No.2-wife is tendered across the bar and the same is taken on record.

4. Learned Advocate for Respondent No.2 on instructions also conceded the said fact of execution of the said documents. Learned Advocate on

instructions submitted that, the Respondent No.2 has 'no objection' to quash the said C.C. No.205/PW/2022 pending on the file of learned Metropolitan Magistrate 9th Court, Mulund, Mumbai arising out of C.R. No.680 of 2020 registered with Mulund Police Station, Mumbai.

5. In view of the above, all the Petitions are allowed in terms of prayer Clause (b).

6. In view of disposal of Petitions, Interim Application No. 5517 of 2023 does not survive and is also disposed off.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)