

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2647 OF 2023**

Chirag Patel

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Ms. Sushmitha Sherigar for Petitioner.

Mrs.G.P. Mulekar, A.P.P. for Respondent No.1-State.

Mr.Kiran Mohite a/w. Mr.Manoj Kondekar & Ms.Deepika Mule for Respondent No.2.

PSI Mr.Mangesh Kadam, Oshiwara Police Station, Mumbai is present.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 1st August 2023.****P.C. :**

1. Petitioner, husband of Respondent No.2 has invoked jurisdiction of this Court under Article 226 of the Constitution of India for quashing of CC No. 1458/PW/2022 pending on the file of Metropolitan Magistrate, 48th Railway Court, Andheri, Mumbai, arising out of CR No. 230 of 2018 dated 5th May 2018, registered with Oshiwara Police Station, Mumbai, under Sections 498A, 406, 323, 504, 506 of Indian Penal Code, with the consent of Respondent No.2.

2. Learned Advocate for Petitioner submitted that, the Petitioner and Respondent No.2 have executed Consent Terms dated 3rd April 2023

before the Family Court at Bandra, Mumbai in Petition No. A-898 of 2018. Para No.14 thereof provides for quashing of the present case and Respondent No.2 has undertaken to cooperate the Petitioner in defusing the said complaint by executing requisite consent. That, the present Petition is filed in furtherance of said Consent Terms dated 3rd April 2023.

3. Learned Advocate for Respondent No.2 tendered across the bar her Affidavit dated 1st August 2023 duly affirmed before the Assistant Registrar of this Court. In para No.5 thereof, the Respondent No.2 has admitted execution of consent terms before the Family Court. In para No.6 thereof, she has given her no objection for quashing of the present crime.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 1st August 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 Clause (a).

[SHIVKUMAR DIGE, J.]

[A.S. GADKARI, J.]

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