

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2482 OF 2023**

Diljit Singh Krishna Kapoor & Ors.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Dr.Rajendra Anbhule a/w. Mr.Abhishek Jagtap & Ms.Madhavi Pawar for
Petitioners.

Mr.S.S. Hulke, A.P.P for Respondent No.1-State.

Mr. Vijay K. Shelar for Respondent No.2.

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

DATE : 24th July 2023.

P.C. :

1. Leave to amend to incorporate challenge to RCC No. 1426 of 2022 pending on the file of 2nd Civil Judge Junior Division and Judicial Magistrate First Class, Pimpri, Pune is granted. Amendment be carried out forthwith by way of adding prayer Clause No.(A-1), after prayer Clause (A).
2. Petitioners i.e. husband (Petitioner No.1), father-in-law (Petitioner No.2), brother-in-law (Petitioner No.3), wife of Petitioner No.3 (Petitioner No.4), uncle of Petitioner No.1 (Petitioner No.5) and aunt of Petitioner No.1 (Petitioner No.6) have filed present Petition under Article 226 of the Constitution of India and under Section 482 of Criminal Procedure Code for quashing of RCC No. 1426 of 2022 pending on the file of learned

2nd Jt. Civil Judge Junior Division & Judicial Magistrate First Class, Pimpri, District Pune, arising out of CR No. 0577 of 2021, dated 22nd October 2021 registered with Bhosari MIDC Police Station, Pimpri-Chinchwad, under Sections 498A, 377, 420, 406, 323, 504, 506 read with 34 of Indian Penal Code, with the consent of Respondent No.2.

3. Learned Advocate for Respondent No.2 tendered across the bar her Affidavit dated 23rd June 2023 duly affirmed before a Notary Public. It is stated therein that, the Petitioner No.1 & Respondent No.2 had filed Petition for divorce by mutual consent before the the Civil Judge Senior Division, Pune, bearing MP No. 227 of 2023 and the concerned Court has passed a Decree of divorce on 6th May 2023. That, as per the terms and conditions mentioned in the said Petition and in view of the fact that, the Petitioner No.1 & Respondent No.2 have amicably settled their disputes and differences, she is having no grievance with the Petitioners and has no objection, if the crime in question is quashed.

4. Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 23rd June 2023 and her 'no objection' for quashing the crime in question.

5. In view of above, Petition is allowed in terms of prayer Clause (A) and amended prayer Clause (A-1).

[SHIVKUMAR DIGE, J.]

[A.S. GADKARI, J.]