

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.859 OF 2023

Vishal Radhakrishna Varma
s/o. Late Radhakrishna Varma .. Applicant
V/s.
State of Maharashtra & Anr. .. Respondents

Mr. Dharmendra Rohra a/w. Mr. Ganesh Narayan and Mr. Karan Rohra for Applicant.
Mr. Ajay Patil, APP for Respondent No.1-State.
Ms. Sachi Lodha i/b. Taubon Irani for Respondent No.2.

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

DATE : 31 JULY 2023.

PC. :

1. Leave to amend to incorporate correct address of Applicants in the pleadings granted. Amendment be carried out forthwith.
2. Husband of Respondent No.2 has filed present Application under Section 482 of Cr.PC. for quashing of C.C.No.2657/PW/2018 pending on the file of Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai, arising out of F.I.R. No. 69 of 2015 dated 21.02.2015 registered with Oshiwara Police Station, Andheri, Mumbai under Sections 498A and 506 of I.P.C. with the consent of Respondent No.2.
3. Learned Advocate for the Applicant submitted that, Applicant and Respondent No.2 have executed Consent Terms dated

12.07.2023 before the Family Court at Bandra, Mumbai in Petition No.A-3190 of 2013. In para No.C(v) of the said Consent Terms, it is agreed between the parties therein that, the Applicant herein shall file a Petition for quashing the said crime after he deposits a particular amount as mentioned in the said clause towards the claim of Respondent No.2 of permanent alimony/ maintenance/residence. He submitted that, the Applicant has deposited the said amount as agreed before the Family Court at Bandra, Mumbai. The present Application is filed in furtherance of the Consent Terms dated 12.07.2023.

4. Respondent No.2 has filed her Affidavit dated 24.07.2023 duly affirmed before a Notary Public. In her Affidavit, she admitted of executing Consent Terms dated 12.07.2023 in the proceedings before the Family Court at Bandra, Mumbai. In paragraph No.4 thereof, Respondent No.2 has given her no objection for quashing the crime in question.

Respondent No.2 is personally present in Court and through her Advocate reiterates the contents of her Affidavit dated 24.07.2023 and her 'no objection' for quashing of the crime in question.

5. In view of the above, Application is allowed in terms of prayer Clause (a).

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)