

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.6251 OF 2021**

Pragnesh D. Doshi & Anr. ...Petitioners
V/s.
The State of Maharashtra & Anr. ...Respondents

Mr.Pramod Pandey, for the Petitioners.
Mrs.M.M. Deshmukh, APP for the Respondent-State.
Mr.Dilip Tripathi, for Respondent No.2.

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

DATE : 28th JUNE 2023

PC.

1. Leave to amend to annex copy of charge-sheet in Case No.1297/PW/2017 and to incorporate its challenge in the pleadings and prayers granted.

Amendment be carried out forthwith and in any event during the course of the day.

2. Petitioners, i.e. Husband (Petitioner No.1); father-in-law (Petitioner No.2); Mother-in-Law (Petitioner No.3); brother-in-law (Petitioner No.4) and Sister-in-Law (Petitioner No.5) of Respondent No.2 have filed present Petition under Article 226 of Constitution of India, for quashing of Case No.1297/PW/2017 pending on the file

of learned Metropolitan Magistrate, 67th Court, Borivali, Mumbai, arising out the C.R. No.339 of 2015 registered with Dindoshi Police Station, Mumbai under Section 498-A, 406, 323 read with 34 of the Indian Penal Code, with the consent of Respondent No.2.

3. Learned Advocate for the Petitioners submitted that, Petitioner No.1 and Respondent No.2 have settled their matter amicably and the Family Court at Bandra, Mumbai has granted divorce to Petitioner No.1 and Respondent No.2 by its Judgment and Decree dated 30th November 2021. He submitted that in view thereof, present Crime may be quashed.

4. Learned counsel for Respondent No.2 tendered across the bar her affidavit dated 28th January 2022, duly affirmed before a Notary Public. In paragraph No.3 thereof, the Respondent No.2 has admitted the amicable settlement between her and the Petitioner No.1 and has given 'no objection' for quashing of Case No.1297/PW/2017 pending on the file of Metropolitan Magistrate at Borivali, Mumbai.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 28th January 2022 and her 'no objection' for quashing of the crime in question.

5. In view of the above, Petition is allowed in terms of prayer Clause (a) and amended prayer Clause (a1).

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)