

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 6168 OF 2021**

Akib Abdul Razzak Rahi

...Petitioner

Versus

The State Of Maharashtra And Anr.

...Respondents

Ms. Drishti Khurana a/w Ms. Amani Khan i/by Zen Jurists, for Petitioner.

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

Ms. Anjali Joshi, for Respondent No.2.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 29th MARCH 2023.****P.C.:-**

1. Petitioner- Brother-in-law of Respondent No.1 has filed present Petition under Article 226 of the Constitution of India for quashing of First Information Report No.338 of 2021 dated 28.08.2021 registered with Meghwadi Police Station, Mumbai for offences punishable under Sections 354, 323 & 504 of Indian Penal Code.

2. Perusal of First Information Report indicates that, the Respondent No.2 out of matrimonial discord had lodged certain cases against her husband and in-laws. It is alleged that, the Petitioner out of anger caught Respondent No.2 from her back on the alleged date of incident, assaulted her and allegedly outraged her modesty.

3. Learned Advocate for Petitioner submitted that, Petitioner and Respondent No.2 have settled the matter amicably and Respondent No.2 does not wish to pursue complaint further. That, Respondent No.2 has also filed an Affidavit dated 24.11.2022 stating that, she has no objection for quashing the present crime.

4. Respondent No.2 is personally present in the Court and through her Advocate admitted of affirming the said Affidavit dated 24.11.2022. Respondent No.2 through her Advocate has also reiterated that, she has no objection, if the present crime is quashed and in fact she is consenting for the same.

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

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)