

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 5962 OF 2021**

Tushar Prabhakar Sawant & Ors.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Rajesh Kachare a/w. Mr.Ravi Kotian & Mr.Pankaj Shinde for Petitioners.

Mr.Ajay Patil, A.P.P for Respondent No.1-State.

Ms.Jayashree Tripathi i/b. Mr.C. S. Patil for Respondent No.2.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.**

DATE : 18th April 2023.

P.C. :

1. Petitioners i.e. husband (Petitioner No.1), father-in-law (Petitioner No.2), mother-in-law (Petitioner No.3), sister-in-law (Petitioner No.4), husband of Petitioner No.4 (Petitioner No.5); and other accused persons (Petitioner Nos.6, 7 & 8) in CR No. I-17 of 2016, under Sections 498A, 420, 406, 494, 506 read with 34 of Indian Penal Code have prayed for quashing of the said crime, by consent of Respondent No.2, the wife of Petitioner No.1.

2. Learned counsel for Petitioners submitted that, the Respondent No.2 had filed H.M.P No. 89 of 2016 in the Court of Civil Judge Senior Division at Panvel under Section 13B of the Hindu Marriage Act for divorce

by mutual consent. In para No.3(e) of the said Petition, the Respondent No.2 had agreed to quash present crime by consent. The learned Civil Judge Senior Division, Panvel decreed the said Petition by its Judgment and Decree dated 31st July 2017. That in pursuance of the said decree passed by the trial Court, present Petition has filed.

3. Ms.Tripathi, learned Advocate appearing for Respondent No.2 submitted that, the Respondent No.2 has filed Affidavit of Consent, dated 10th January 2022, duly affirmed before a Notary Public for quashing of crime in-question. She submitted that, Advocate Mr.C.S. Patil has identified the signature of Respondent No.2. In para No.4 of the said Affidavit the Respondent No.2 has given her 'no objection' for quashing F.I.R. No. I-17 of 2016 registered with Manikpur Police Station, which is now culminated into R.C.C. No. 1071 of 2016 and pending on the file of Judicial Magistrate First Class, Vasai.

4. Respondent No.2 is personally present in the Court and through her Advocate reiterated the contents of her Affidavit dated 10th January 2022 and her 'no objection' to quash the present crime.

5. In view of above, R.C.C. No. 1071 of 2016 pending on the file Judicial Magistrate First Class, Vasai arising out of F.I.R. No. I-17 of 2016 registered with Manikpur Police Station, District Palghar, is quashed.

6. Petition is allowed in the aforesaid terms.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]