

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2764 OF 2023**

Waqar Israr Khan & Ors.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

WITH**CRIMINAL WRIT PETITION NO. 2765 OF 2023**

Israr Ahmed Shafat Khan & Ors.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.A.K. Upadhyay, for the Petitioners in both Petitions.

Mr.S.S. Hulke, APP for Respondent No.1-State.

Mrs.G.P. Mulekar, APP for Respondent No.1-State.

Mr.Rohan Kharat, for Respondent No.2.

**CORAM : A.S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 10th AUGUST 2023****PC. :**

1. Leave to amend to mention correct case number and C.R. number. Amendment be carried out forthwith in both Petitions.

2. By both these Petitions, under Article 226 of the Constitution of India, the Petitioners have prayed for quashing of C.C. No.115/PW/2022, pending on the file of the Metropolitan Magistrate, 31st Court, Vikhroli,

Mumbai, arising out of C.R. No.741 of 2021 registered with Parksite Police Station, Mumbai under Sections 498-A, 324, 323, 354, 406, 509, 504 and 506 read with Section 34 of the Indian Penal Code, with consent of Respondent No.2 i.e. wife of Petitioner No.1 in WP No.2764 of 2023.

3. Learned Advocate for the Respondent No.2 submitted that, he will file his Vakalatnama on or before Friday. His statement is accepted as an undertaking given to this Court.

4. Learned Advocate for the Petitioners submitted that, Petitioner No.1 husband (WP No.2764 of 2023) and Respondent No.2, wife have settled their disputes and differences by executing a Deed of Settlement dated 8th May 2023. That, the Respondent No.2 has given her consent for quashing of the crime in question. He therefore, prayed for the said case may be quashed by allowing both the Petitions.

5. Learned Advocate for Respondent No.2 tendered across the bar her Affidavit dated 10th August 2023, duly affirmed before the Assistant Registrar of this Court. In the said Affidavit Respondent No.2 has admitted of execution of Deed of Settlement dated 8th May 2023 (*sic* 11th April 2023). In paragraph No.5 thereof, she has given her no objection for quashing of present proceedings against the Petitioners.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her affidavit dated 10th August 2023 and her 'no objection' for quashing of the crime in question.

6. In view of the above, Petitions are allowed in terms of prayer
Clauses (a).

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)