

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4984 OF 2022**

Sunit Sanjay Mayekar And Ors.

...Petitioners

Versus

The State Of Maharashtra And Anr.

...Respondents

Mr. Jitesh Alva Advocate for Petitioners.

Mr. Ajay Patil, APP for Respondent No.1-State.

Mr. V. M. Desai Advocate for Respondent No.2.

**CORAM : A. S. GADKARI AND  
PRAKASH D.NAIK, JJ.****DATE : 10<sup>th</sup> APRIL 2023.**

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**P.C.:-**

1. The Petitioners i.e. Petitioner No.1, husband, Petitioner No.2, father-in-law and Petitioner No.3, mother-in-law of Respondent No.2 have filed present Petition for quashing of C.C. No. PW/331/2021 arising out of C.R. No. 17 of 2021 dated 15<sup>th</sup> February 2021 registered with Kanjurmarg Police Station, Mumbai, under Section 498(A) read with 34 of the Indian Penal Code, pending on the file of learned Metropolitan Magistrate, 53<sup>rd</sup> Court, Mulund, Mumbai, by consent of Respondent No.2.

2. Record indicates that, Petitioner No.1 and Respondent No.2 have filed 'Consent Terms for Mutual Consent Divorce' dated 2<sup>nd</sup> August 2022 in Petition No. A-1966 of 2019 before the Family Court at Bandra, Mumbai. In paragraph No. (XII) thereof, Respondent No.2 has given her consent for

quashing the said case i.e. C.C. No.PW/331/2021 arising out of C.R. No.17 of 2021, dated 15<sup>th</sup> February 2021 registered with Kanjurmarg Police Station, Mumbai.

3. Learned Advocate for Respondent No.2 tendered across the bar an Affidavit dated 21<sup>st</sup> November 2022 duly affirmed by Respondent No.2 before a Notary Public. In paragraph No. (4) thereof, she has given consent for quashing of C.C. No. PW/331/2021 pending on the file of learned Metropolitan Magistrate 53<sup>rd</sup> Court, Mulund, Mumbai.

Respondent No.2 is personally present in the Court and through her Advocate reiterated the contents of Affidavit dated 21<sup>st</sup> November 2022 and her 'No Objection' for quashing of the present proceedings.

4. In view thereof, Petition is allowed in terms of prayer clause (b).

**(PRAKASH D. NAIK, J.)**

**(A. S. GADKARI, J.)**