

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3447 OF 2022**

Uday Raj Alias Uday Nandlal Agarwal

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Ms.Racheeta R. Dhuru for Petitioner.

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

Mr.Mikhail Dey a/w. Ms.Priya Bhausar i/b. Dinesh D. Tiwari Associates for Respondent No.2.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 6th April 2023.****P.C. :**

1. By the present Petition, Petitioner-husband has prayed for quashing of Criminal Complaint No. 1100441/PW/2013 pending on the file of learned Metropolitan Magistrate, 57th Court, Kurla, Mumbai, arising out of CR No. 137 of 2012 registered with Govandi Police Station, Mumbai, under Section 498A, 341, 506(II), 323, 504 of Indian Penal Code and Section 41 of Juvenile Justice (Care and Protection of Children) Act, by consent of Respondent No.2.

2. Learned Advocate for Petitioner submitted that, the Petitioner and Respondent No.2 have entered into 'Consent Terms' dated 12th August 2022 and have resolved all the disputes and differences between them. Para

No.4(d) of the said Consent Terms mentions about quashing of Criminal Complaint No.1100441/PW/2013 pending on the file of learned Metropolitan Magistrate, 58th Court, Kurla, Mumbai.

3. Learned Advocate for Respondent No.2 tendered across the bar an Affidavit of Respondent No.2 dated 18th October 2022 duly affirmed before the Assistant Registrar of this Court. Said Affidavit is taken on record.

In para No.4 thereof, the Respondent No.2 has given her 'no objection' to withdraw all criminal as well as civil proceedings between the parties herein.

4. Respondent No.2 is personally present in the Court and through her Advocate reiterated the contents of her Affidavit dated 18th October 2022 and her no objection in quashing the said Criminal Complaint No.1100441/PW/2013.

5. In view thereof, Petition is allowed in terms of prayer Clause (b).

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]

Digitally signed
by OMKAR
SHIVAHAR
KUMBHAKARN
Date:
2023.04.11
11:56:44 +0530

OMKAR
SHIVAHAR
KUMBHAKARN