

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.3835 OF 2018**

Ramesh Shankarlal Mehta & Anr. ...Petitioners
V/s.
The State of Maharashtra & Anr. ...Respondents

Mr.Varad Kilor i/b Mr.Prabhakar Mhadgut, for the Petitioners.
Mr.Ajay Patil, APP for the Respondent-State.
Mr.Shailesh P. Dalal, for Respondent No.2.

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**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.**

DATE : 28th JUNE 2023

PC.

1. Petitioners i.e. father-in-law and mother-in-law of Respondent No.2 have filed present Petition under Article 226 of the Constitution of India and under Section 482 of Cr.P.C. for quashing of C.C. No.185/PW/2017, pending on the file of the Metropolitan Magistrate, 26th Court, Borivali, Mumbai, arising out of C.R. No.55 of 2016 registered with Borivali Police Station, Mumbai under Section 498-A, 406, 323, 504 and 506 of the Indian Penal Code, with consent of Respondent No.2

2. Learned Advocate for the Petitioners submitted that, Rahul Ramesh Mehta, husband of Respondent No.2 had already

passed away, prior to lodgment of the crime due to terminal illness. He submitted that, the Petitioners and Respondent No.2 have resolved their differences and disputes and Respondent No.2 has agreed to give her consent for quashing of said C.C.No. 184/PW/2017 pending on the file of Metropolitan Magistrate, 26th Court, Borivali, Mumbai.

3. Advocate Mr.Shailesh P. Dalal, appearing for Respondent No.2 submitted that, he will file his Vakalatnama within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

4. Advocate Mr.Shailesh P. Dalal, submitted that, the Respondent No.2 has affirmed an Affidavit dated 11th November 2022 before a Notary public. In paragraph No.3 thereof, Respondent No.2 has stated that, she specifically gives her consent for quashing of said C.C. No. 184/PW/2017 pending on the file of Metropolitan Magistrate, 26th Court, Borivali, Mumbai arising out of C.R. No.55 of 2016. It is further stated in paragraph No.4 that, she has given her consent after due deliberation and without any fear, force or coercion and out of her own will.

Learned Advocate for Respondent No.2 on instructions reiterates the contents of her affidavit dated 11th November 2022

and 'no objection' given by Respondent No.2.

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

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)