

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.3969 OF 2022**

Faisal Salim Shaikh and Ors.

.. Petitioners

V/s.

State of Maharashtra and Anr.

.. Respondents

Ms. Sherin Baby i/by Falcon Legal for Petitioners.

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

Mr. Abdul Hafeez Kotwala i/by Sumara Legal Associates for
Respondent No.2.**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 05th JULY 2023.****PC. :**

1. By the present Petition, under Article 226 of the Constitution of India and under Section 482 of the Criminal Procedure Code, 1973, Petitioners i.e. Husband (Petitioner No.1); Father-in-Law (Petitioner No.2) and Mother-in-Law (Petitioner No.3) and brother-in-law (Petitioner No.4) of Respondent No.2 have prayed for quashing of C.C.No.1745/PW/2021 pending on the file of Metropolitan Magistrate, 32th Court, Bandra Mumbai arising out of C.R.No. 334 of 2019 dated 28.09.2019 registered with Nirmal Nagar Police Station, Mumbai under Sections 498(A), 354, 406, 504, 506

read with 34 of I.P.C. and under Sections 3 and 4 of Dowry Prohibition Act and under Section 4 of Muslim Women (Protection of Right on Marriage) Act, with the consent of Respondent No.2.

2. Learned Advocate for Petitioners submitted that, Petitioner No.1 and Respondent No.2 have settled the matter amicably. That, Petitioner No.1 and Respondent No.2 have executed Deed of Divorce by Mutual Consent / Khulanama and have decided to part their ways as per the Terms and Conditions mentioned in the said Deed of Divorce. She submitted that, Petitioners have already paid an amount of Rs.10,00,000/- to the Respondent No.2 and the balance amount of Rs.2,00,000/- is to be paid by Demand Draft drawn on HDFC Bank in this Court. She submitted that, Respondent No.2 does not wish to prosecute the present case further.

3. Learned Advocate for Respondent No.2 submitted that, Respondent No.2 has affirmed an Affidavit dated 23.06.2023 before the Assistant Registrar of this Court. In paragraph Nos. 8 and 10 thereof, Respondent No.2 has given her 'no objection' for quashing of C.C.No. 1745/PW/2021 arising out of C.R.No. 334 of 2019. He on instructions submitted that, the Respondent No.2 reiterates the contents of Affidavit dated 23.06.2023 and her 'no objection' for quashing of C.C.No. 1745/PW/2021.

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

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)

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