

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 5181 OF 2021**

Vijay Vasantlal Makwana And Ors.

... Petitioners

V/s.

State Of Maharashtra And Anr.

... Respondents

Adv. Rimpal Trivedi & Ms. Harshida Bhanushali for Petitioners.

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

Ms. Vandana N. Dalvi for Respondent No.2.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 2nd MAY, 2023.****PC. :**

1. By the present Petition, Petitioners i.e. husband (Petitioner No.1), brothers-in-law (Petitioner Nos.2 and 3), mother-in-law (Petitioner No.4) and sisters-in-law (Petitioner Nos.5 and 6) of Respondent No.2 have prayed for quashing of C.C. No.5201904/PW/2021 pending on the file of learned 52nd Metropolitan Magistrate, Kurla, Mumbai, arising out of C.R. No.264 of 2020 registered with RCF Police Station, Mumbai under Sections 498A, 323, 504 read with Section 34 of the Indian Penal Code, by consent of Respondent No.2.

2. Learned Advocate for Petitioners submitted that, Petitioner No.1 and Respondent No.2 have settled their matter amicably and have filed Consent Terms For Divorce By Mutual Consent, dated 4th September,

2021, before the Family Court at Bandra, Mumbai in Petition No.A-1617/2020. In Para No.8 thereof, Respondent No.2 has agreed to get C.C. No.5201904/PW/2021 arising out of C.R. No.264 of 2020 quashed. That, the Respondent No.2 has also filed an Affidavit dated 23rd November, 2021 in the present Petition. In para No. 9 thereof, Respondent No.2 has given her unconditional consent for quashing of C.C. No.5201904/ PW/2021 arising out of C.R. No.264 of 2020. The signature of Respondent No.2 has been duly identified by her Advocate on record i.e. Ms. Vandana N. Dalvi.

3. Respondent No.2 is personally present in the Court and through her Advocate she has reiterated contents of her Affidavit dated 23rd November, 2021 and her “no objection” for quashing of C.C. No.5201904/ PW/2021 arising out of C.R. No.264 of 2020.

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

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)