

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4196 OF 2022**

Abhijeet Sudhakar Bhosle And Anr.

... Petitioners

V/s.

State Of Maharashtra And Anr.

... Respondents

Ms. Namrata Shenoy a/w Ms. Priyanka Mahadeshwar for Petitioners.

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

Ms. Shilpa Nak for Respondent No.2.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.**

DATE : 20th APRIL, 2023

PC. :

1. Petitioners i.e. husband and in-laws of Respondent No.2 have filed present Petition for quashing of R.C.C. No. 545/PW/2023 pending on the file of learned Additional Metropolitan Magistrate, Court No. 49, Vikhroli, Mumbai, arising out of C.R. No. 421 of 2022 registered with Ghatkopar Police Station, Mumbai, under Sections 498A, 323, 377, 504 and 506 read with Section 34 of the Indian Penal Code, by consent of Respondent No.2-wife.

2. Learned Advocate for Petitioners submitted that, Petitioner No.1 and Respondent No.2 have executed 'Consent Terms for Divorce By Mutual Consent' in the Family Court at Mumbai in Petition No. A-264 of 2022. In para No.6 thereof, it is agreed between the parties that, they will

co-operate with each other for quashing the case filed under Section 498A before Decree of Divorce. That, in pursuance of said Consent Terms, present Petition is filed for quashing of the said R.C.C. No. 545/PW/2023, arising out of C.R. No. 421 of 2022.

3. Learned Advocate appearing for Respondent No.2 submitted that, the Respondent No.2 has filed an Affidavit dated 10th November, 2022 duly affirmed before a Notary Public. In para No.4 thereof, Respondent No.2 has stated that, the FIR in question be quashed.

Respondent No.2 is personally present in the Court and through her Advocate reiterated contents of her Affidavit dated 10th November, 2022 and her “no objection” for quashing of the said R.C.C. No. 545/PW/2023 arising out of C.R. No. 421 of 2022.

4. In view thereof, R.C.C. No. 545/PW/2023 pending on the of learned Additional Metropolitan Magistrate, Court No. 49, Vikhroli, Mumbai, arising out of C.R. No. 421 of 2022 registered with Ghatkopar Police Station, Mumbai is quashed and Petition is accordingly allowed.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)