

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1076 OF 2023

Vinayak Krishan Teli and another	Petitioners
versus	
The State of Maharashtra	Respondent

WITH
CRIMINAL WRIT PETITION NO.4437 OF 2018

Uma Mangesh Hindalekar and others	Petitioners
versus	
The State of Maharashtra and others	Respondents

Mr.Rahul Rao i/by Mr.Siddharth Dustakar, Advocate for Petitioner in WP No.1076/2023 and for Respondent no.2 in WP No.4437/2018.
Ms.Deepa Panicker i/by Mr.Kunal Jha for Petitioner in WP No.4437/2018 and for Respondent no.2 in WP No.1076/2023.
Ms.G.P.Mulekar, APP, for State.

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

DATE : 26th April 2023

PC :

1. Learned Counsel appearing for Petitioners seeks leave to transpose Petitioner no.2 as Respondent no.2 being first informant. Amendment be carried out forthwith and in any event during the course of the day.

2. Writ Petition No.1076 of 2023 is filed by husband of Respondent no.2 and Writ Petition No.4437 of 2018 is filed by in-laws of Respondent no.3 i.e. wife of Petitioner in Writ Petition

No.1076 of 2023.

3. Mr.Rao, learned counsel appearing for Petitioners in both Petitions submitted that Petitioner in Writ Petition No.1076 of 2023 i.e. husband and Respondent no.2 wife have executed Consent Terms dated 15th December 2022 for dissolution of marriage in M.P No.501 of 2018 before Civil Judge, Senior Division, at Vasai. In paragraph no.4 thereof, Respondent no.2 wife has agreed for quashing of R.C.C No.983 of 2019 arising out of C.R No.275 of 2018 registered with Manikpur Police Station, Vasai. He submitted that Respondent no.2 has filed Affidavits, dated 26th April 2023 in Writ Petition No.1076 of 2023 and dated 10th February 2023 in Writ Petition No.4437 of 2018. That, in both the Affidavits, Respondent wife has reiterated the fact of filing of Consent Terms in the matrimonial dispute i.e. M.P.No.501 of 2018 and her 'No Objection' for quashing of the crime in question. She has stated that, she is affirming the said Affidavit at her own accord without any fraud, coercion and/or force by anybody else.

Mr.Rao submitted that in view of paragraph 7(a) of Consent Terms dated 15th December 2022, Petitioner, husband today has handed over demand draft of Rs.3,00,000/- to the Respondent wife. Photocopy of the same is taken on record.

4. Learned Advocate for Respondent wife conceded to the fact of

filing of Affidavits dated 26th April 2023 and 10th February 2023 respectively in the aforesaid petitions.

5. Respondent, wife is personally present in the Court and through her Advocate reiterated the contents of her said Affidavits and her 'No Objection' for quashing of R.C.C No.983 of 2019 pending on the file of Judicial Magistrate First Class, Vasai arising out of C.R No.275 of 2018 registered with Manikpur Police Station.

In view thereof, R.C.C No.983 of 2019 pending on the file of Judicial Magistrate First Class, Vasai arising out of C.R No.275 of 2018 registered with Manikpur Police Station is quashed. Both Petitions are allowed in the aforesaid terms.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST