

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 1463 OF 2022**

Rupesh Prakash Sonawane And Ors.

...Applicants

Versus

State Of Maharashtra And Anr.

...Respondents

Mr. Milind D Dhande a/w Ms. Divya R. Tiwari Advocate for Applicants.

Ms. Shilpa G. Talhar for Respondent No.2.

Mrs. G. P. Mulekar, APP for Respondent-State.

PSI Rahul C. Patil, Powai Police Station is present.

Digitally signed
by
DNYANESHWAR
ASHOK ETHAPE
Date: 2023.04.15
16:53:51 +0530

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

DATE : 10th APRIL 2023.

P.C.:-

1. By the present Petition, the Petitioners i.e. Petitioner No.1-husband, Petitioner No.2-Mother-in-law, Petitioner No.3-father-in-law and Petitioner No.4-brother-in-law of Respondent No.2 have prayed for quashing of C.C. No.1733 of 2021 pending on the file of learned Metropolitan Magistrate, 66th Court, Andheri, Mumbai, arising out of FIR No.456 of 2020 registered with Powai Police Station, Mumbai, under Sections 498-A, 406, 323, 504 read with 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 filed Consent Terms in M.J. Petition No.169 of 2020 pending on the file of learned Judge of the Family Court at Thane.

In the said consent terms, the Respondent No.2 has agreed for quashing of the present crime by consent. That, the Respondent No.2 has filed an Affidavit dated 18th January 2023 duly affirmed before the Assistant Registrar of this Court. In paragraph 6 of the said Affidavit, she has given her 'No Objection' for quashing and setting aside the said C.C. No.1733 of 2021 pending on the file of learned Metropolitan Magistrate, 66th Court, Andheri, arising out of FIR No.456 of 2020 registered with Powai Police Station, Mumbai.

3. Advocate Ms. Talhar appearing for Respondent No.2 conceded to the fact of affirming the Affidavit dated 18th January 2023 by Respondent No.2. The Respondent No.2 is personally present in the Court and through her Advocate reiterated her 'No Objection' for quashing the said C.C. No.1733 of 2021 pending on the file of learned Metropolitan Magistrate, 66th Court, Andheri, arising out of FIR No.456 of 2020 registered with Powai Police Station, Mumbai.

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

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)