

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 5399 OF 2019**

Firoz Majeed Shaikh & Ors.

.....Petitioners

Vs.

Naseem Bano Firoz Shaikh & Anr.

.....Respondents

Mr. Purvi Shah for the Petitioner.

Ms. Ashwini Gaikwad for the Respondent No.1.

Mr. Ajay Patil APP, for the Respondent No.2-State.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 13th APRIL, 2023.****P.C.:-**

By the present Petition, the Petitioners i.e. husband and in laws of Respondent No.1 have prayed for quashing of R.C.C. No.600553/2013 pending on the file of Judicial Magistrate First Class, Cantonment, Pune arising out of C.R. No.183 of 2013 dated 1st May, 2013 registered with Hadapasar Police Station, Pune under Sections 498A, 406, 323 and 504 of the Indian Penal Code, by consent of Respondent No.1.

2) Learned Advocate for the Petitioners submitted that, the Petitioner No.1 and Respondent No.1 have executed Consent Terms dated 15th May, 2019 in case No.19/DV/2013 before the Additional Chief Metropolitan Magistrate Court No.31, Vikroli, Mumbai. Paragraph No.3 of the said Consent Terms provides for quashing of present case with the

consent of Respondent No.1. She submitted that, present Petition is filed in furtherance of the said Consent Terms.

3) Learned Advocate for the Respondent No.1 on instructions conceded to the facts of execution of Consent Terms dated 15th May, 2019. She tendered across the bar an Affidavit of Respondent No.1 dated 5th April, 2023 duly affirmed before a Notary Public.

In paragraph No.5 of the said affidavit, the Respondent No.1 has confirmed about the settlement of the matter and in paragraph No.6 thereof she has given her 'no objection' for quashing of R.C.C. No.600553/2013 pending on the file of Judicial Magistrate First Class, Cantonment, Pune arising out of C.R. No.183 of 2013 dated 1st May, 2013 registered with Hadapasar Police Station, Pune. Respondent No.1 is personally present in the Court and through her Advocate reiterated the contents of the said Affidavit and her 'no objection' for quashing the present case.

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

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)