

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 1263 OF 2022**

Dr. Asif Perwez And Ors.

... Applicants

**V/s.**

Saimanaaz Asif Perwez And Anr.

... Respondents

Mr. Shekhar S. Bhandary for Applicants.

Mr. Laukik Palekar i/b Mr. Tejas Deshpande for Respondent No.1.

Mrs. M. M. Deshmukh, APP for Respondent No.2-State.

**CORAM : A.S. GADKARI AND  
SHIVKUMAR DIGE, JJ.****DATE : 23<sup>rd</sup> JUNE, 2023.****PC. :**

1. By the present Application, under Section 482 of the Cr.P.C., Applicants i.e. husband, brother-in-law and mother-in-law of Respondent No.1 have prayed for quashing of C.C. No.801/PW/2022 pending on the file of learned Metropolitan Magistrate, 12<sup>th</sup> Court, Bandra, Mumbai, arising out of C.R. No. 312 of 2019 registered with Bandra Police Station, Mumbai, under Sections 498A, 406 read with Section 34 of the Indian Penal Code.

2. Learned Advocate for Applicants submitted that, Applicant No.1 and Respondent No.1 have executed Consent Terms dated 13<sup>th</sup> September, 2022 before the Family Court at Bandra, in Petition No A-1715 of 2022. In para No.(d) thereof, Respondent No.1 has agreed and undertaken to withdraw all the allegations in the FIR No.312 of 2019, in view of mutual settlement and disputes between them. That, present

Application has been filed in pursuance of the said Consent Terms dated 13<sup>th</sup> September, 2022.

3. Respondent No.1 has filed an Affidavit dated 8<sup>th</sup> June, 2023, duly affirmed before a Notary Public. In para No.3 thereof she has stated that, in accordance with the Talaq Nama and the premier intention to put all things behind and move on with her life, she does not wish to further prosecute C.C. No.801/PW/2022 against the Applicants and have no objection if the same is quashed.

Respondent No.1 is personally present in the Court and through her Advocate reiterates contents of her Affidavit dated 8<sup>th</sup> June, 2023 and her “no objection” for quashing of crime in question.

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

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)