

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4909 of 2018**

Satish Madhukar Vakharkar and Ors.

... Petitioners

V/s.

The State of Maharashtra

... Respondent

Mr. Prashant Sawardekar for Petitioners.

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

Mr. Kartik Gantha i/b. Mr. Omkar Khavilkar Law Chambers for Respondent No.2.

**CORAM : A.S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 27th JULY, 2023.****PC. :**

1. Leave to amend to incorporate challenge to C.C.No.3506/PW/2018 pending on the file of learned Metropolitan Magistrate, Railway Court, Andheri, Mumbai, in prayer clause granted. Amendment be carried out forthwith.

2. Petitioners i.e. father-in-law (Petitioner No.1); mother-in-law (Petitioner No.2);, brother-in-law(Petitioner No.3) and wife of Petitioner No.3 (Petitioner No.4) have filed present Petition under Article 226 of the Constitution of India for quashing of C.C.No.3506/PW/2018 pending on the file of learned Metropolitan Magistrate, Railway Court, Andheri, Mumbai, arising out of C.R.No.180 of 2017 registered with Oshiwara Police

Station, Mumbai, under Sections 498-A and 406 read with 34 of the Indian Penal Code, with the consent of Respondent No.2.

Learned Advocate appearing for Petitioners submitted that, husband of Respondent No.2 and son of Petitioner Nos.1 and 2 namely Ashutosh Satish Vakharkar is no more. He passed away on 19th September 2018.

3. Learned Advocate for Respondent No.2 tendered across the bar, her Affidavit dated 12th July 2023, affirmed at Brampton, For the Province of Ontario, Canada. In paragraph No.2 thereof, Respondent No.2 has given her no objection for quashing of FIR No.180 of 2017. In paragraph No.5 thereof, it is stated that, Respondent No.2 has made the said statement in sound state of mind and body and without being influenced by any sort of coercion or undue influence of whatsoever nature. The said Affidavit is taken on record.

4. In view of the above, Petition is allowed in terms of prayer clause (a) and amended prayer clause (ai).

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)