

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 980 OF 2023**

Gaurav Ashok Aggarwal & Ors.

.....Petitioners

Vs.

Mitali Gaurav Aggarwal & Anr.

.....Respondents

Mr. Sujit Pathak a/w Adv. Harvindra Kaur Ragi i/by Adv. Deepak Sharma for the Petitioners.

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

Adv. Umesh V. Mohite for Respondent No.1.

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

DATE : 27th APRIL, 2023.

P.C.:-

1) Petitioners i.e. husband (Petitioner No.1) mother-in-law (Petitioner No.2), sister-in-law (Petitioner No.3) and father-in-law (Petitioner No.4) of Respondent No.1 have filed present Petition for quashing of C.C. No.126/PW/2022 pending on the file of learned Metropolitan Magistrate, 13th Court at Bhoiwada, Dadar, Mumbai arising out of C.R. No.382 of 2020 dated 27th November, 2020 registered with N.M. Joshi Marg Police Station, Mumbai under Sections 498A, 323, 504 read with Section 34 of the Indian Penal Code, by consent of Respondent No.1, wife of Petitioner No.1.

2) Learned Advocate for the Petitioners submitted that,

Respondent No.1 and Petitioner No.1 have executed Consent Terms dated 12th October, 2022 before the Family Court at Bandra, Mumbai in Petition No. A-1998 of 2021. In paragraph No.6 thereof, the parties therein have agreed to quash the crime in question by consent of Respondent No.1. That, Respondent No.1 has also affirmed an Affidavit dated 16th December, 2022, duly notarized before a Notary Public and in paragraph No.4 thereof, she has stated that they have amicably agreed to withdraw all the allegations levied against each other and to withdraw the said C.R. No.382 of 2020 in view of the Consent Terms dated 12th October, 2022.

3) Respondent No.1 is personally present in the Court and through her Advocate reiterated the contents of the said Affidavit dated 16th December, 2022 and her 'no objection' for quashing of C.C. No.126/PW/2022 pending on the file of learned Metropolitan Magistrate, 13th Court at Bhoiwada, Dadar, Mumbai arising out of C.R. No.382 of 2020 dated 27th November, 2020 registered with N.M. Joshi Marg Police Station, Mumbai.

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

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR
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