

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 5569 OF 2018

Sushma Barar And Anr. ...Petitioners
V/s.
The State Of Maharashtra And Anr. ...Respondents

**WITH
CRIMINAL WRIT PETITION NO. 185 OF 2019**

Rishabh Barar ...Petitioner
V/s.
The State Of Maharashtra And Anr. ...Respondents

CRIMINAL APPLICATION NO.443 OF 2023

Ashith Seth ...Applicant
V/s.
The State of Maharashtra and Anr. ...Respondents

Ms. Dhvani Mehta Desai a/w Mr. Sunain Masand i/by SSP Legal and Co. & D.M. Law Chambers for Petitioner in both Writ Petitions and Applicant in Criminal Application No.443 of 2023.

Mr. S. S. Hulke, A.P.P. for Respondent No.1-State.

Mr. Milind D. Dhande a/w Ms. Divya R. Tiwari for Respondent No.2.

Mr. V.B. Zarekar (P.S.I.) Cuffe Parade Police Station, Mumbai.

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

DATE : 3rd MAY 2023.

PC.:-

. Petitioner, Rishabh Barar in Writ Petition No.185 of 2019 is the husband of Respondent No.2. Petitioners in Writ Petition No.5569 of 2018 are mother-in-law and father-in-law of Respondent No.2. Applicant in

Criminal Application No.443 of 2023 is the medical consultant of the husband of Respondent No.2.

2. Petitioners/Applicant have filed present Petitions/Application for quashing of C.R. No.175 of 2018 dated 22.09.2018 registered with Cuffe Parade Police Station, Mumbai under Sections 498-A, 406, 420, 504, 506, 120(B) of Indian Penal Code, by consent of Respondent No.2, i.e. the wife of Rishabh Barar.

3. Learned counsel for Petitioners/Applicant submitted that, the present crime is registered basically out of matrimonial discord between the Petitioner Rishabh Barar and Respondent No.2. That, the Petitioner Rishabh Barar and Respondent No.2 have executed 'Consent Terms' dated 29.03.2023 before the Family Court at Bandra, Mumbai in a Petition No. A-1825 of 2018. Paragraph No.15 thereof provides for consent of quashing of the present crime by Respondent No.2. Respondent No.2 has agreed and undertaken that, she will file Consent Affidavit before this Court voluntarily for quashing of the crime in question.

4. Learned Advocate for Respondent No.2 submitted that, the Respondent No.2 has filed an Affidavit dated 23.04.2023 in W.P. No.185 of 2019, WP No.5569 of 2018 and in Paragraph No.16 of both the Affidavits, she has given her 'no objection' for quashing of C.R. No.175 of 2018 against the Petitioners/Applicant.

Respondent No.2 is personally present in the Court and she through her Advocate reiterated the contents of her Affidavits dated 23.04.2023 and her 'no objection' for quashing the said C.R. No.175 of 2018 registered with Cuffe Parade Police Station, Mumbai.

5. In view of the above, aforementioned Petitions and Application are allowed in terms of prayer Clause/s (a).

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)