

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

CRIMINAL WRIT PETITION NO. 1728 OF 2024

Janmejaysingh Gowardhansingh BalliyanPetitioner
Vs.
State Of Maharashtra & Anr.Respondents

Adv. Kaumudi Tiwari i/by Adv. Pratibha Bangera for the Petitioner.
Dr. Dhanalakshmi S. Krishnaiyer APP for the Respondent-State.
Adv. Heena Siddique for the Respondent No.2.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.
DATE : 6th MAY, 2024.**

P.C.:-

- 1) Leave to amend to incorporate challenge to C.C. No.1383/PW/2021 pending on the file of learned Metropolitan Magistrate, Railway Court, Andheri, Mumbai granted. Amendment be carried out forthwith and in any event, during the course of the day.
- 2) By the present Petition, the Petitioner, husband of Respondent No.2 has prayed for quashing of C.C. No.1383/PW/2021 pending on the file of learned Metropolitan Magistrate, Railway Court, Andheri, Mumbai arising out of C.R. No.564 of 2020 dated 28th November, 2020 registered with Oshiwara Police Station under Sections 498(A), 406, 420, 323, 504 and 506 of the Indian Penal Code, with the consent of Respondent No.2.
- 3) Learned Advocate for the Petitioner submitted that, the Petitioner and Respondent No.2 have settled their disputes and differences amicably and have filed Consent Terms For Mutual Consent Divorce before

the Family Court, at Bandra, Mumbai in Petition No.A-264 of 2021. That, the Family Court, at Bandra, Mumbai accordingly passed a Decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955, by its Judgment and Order dated 23rd October, 2021. That, in view of paragraph No.9 of the said Consent Terms, present Petition is filed by the Petitioner for quashing of the said case with the consent of the Respondent No.2.

4) Learned Advocate for the Respondent No.2 submitted that, Respondent No.2 has filed an Affidavit dated 25th April, 2024, duly affirmed before a Notary Public. In paragraph No.3 thereof, Respondent No.2 has admitted the fact of passing of a Decree of divorce by the Family Court, at Bandra, Mumbai under Section 13-B of the Hindu Marriage Act. In paragraph No.5 thereof, the Respondent No.2 has given her no objection for quashing of the present case.

4.1) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 25th April, 2024 and her 'no objection' for quashing of the crime in question.

5) In view thereof, the Petition is allowed in terms of prayer clause (a) and amended prayer clause (a-1).

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR
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by SANJIV
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