

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1736 OF 2024**

Jayesh Shridhar Shetty & Ors.

.....Petitioners

Vs.

State Of Maharashtra & Anr.

.....Respondents

Mr. Pankaj S. Shinde a/w. Adv. Ravi S. Kotian, Adv. Saritha Poojari and Adv. Bharati P. Shinde for the Petitioners.

Mr. Anand Salgaonkar APP, for the Respondent-State.

Adv. Jayshree Tripathi for the Respondent No.2.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 6th MAY, 2024.

P.C.:-

1) Petitioners i.e. husband (Petitioner No.1); father-in-law (Petitioner No.2) and mother-in-law (Petitioner No.3) of Respondent No.2, have filed present Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure for quashing of C.C. No.2201666/PW/2023 pending on the file of Additional Chief Metropolitan Magistrate, 22nd Court, Andheri, Mumbai arising out of C.R. No.53 of 2022, dated 26th January, 2022, registered with MIDC Police Station, Andheri (E), Mumbai under Sections 498(A), 323, and 504 read with Section 34 of the Indian Penal Code, with the consent of the Respondent No.2.

2) Learned Advocate for the Petitioners submitted that, the Petitioner No.1 and Respondent No.2 have settled their disputes and

differences amicably and have executed Consent Terms dated 5th March, 2024 before the Family Court, at Bandra, Mumbai in Petition No.MJA-1835 of 2022. The Family Court at Bandra, Mumbai has accordingly passed a decree under Section 13-B of the Hindu Marriage Act, 1955.

2.1) That, in pursuance of the said Consent Terms filed in the Petition No. MJA 1835 OF 2022, present Petition is filed by the Petitioners for quashing of the said crime. He therefore prayed that, present Petition may be allowed by quashing of the said case with the consent of the Respondent No.2.

3) Ms. Tripathi, learned Advocate for the Respondent No.2 submitted that, the Respondent No.2 has filed an Affidavit dated 18th April, 2024 duly affirmed before a Notary Public. That, in the said Affidavit, the Respondent No.2 has admitted the fact of amicable settlement between the Petitioner No.1 and herself. In paragraph Nos.6 and 7 thereof, she has given her consent and no objection for quashing of the said case.

3.1) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 18th April, 2024 and her 'no objection' for quashing of the crime in question.

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

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)