

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

CRIMINAL WRIT PETITION NO. 1790 OF 2024

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Mithun Madan Waingankar and ors.

.... Petitioners

v/s.

The State of Maharashtra and anr.

.... Respondents

Ms. Ankita Phadke a/w. Mr. Rijul Khandare and Ms. Rashika Srivastava
for the Petitioners.

Ms. Sangita Phad, APP for the State.

Ms. Kanishk Jayant i/b. Ms. Anfara Jayant, Ms. Unnati Dhurandhar,
Adv. B. Jayant Bhatia, Mr. Swaraja Gaikwad and Mr. Jayant Gaikwad
for Respondent No.2.

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

DATED : 07th MAY, 2024.

P. C. :-

1) Petitioners i.e. husband (Petitioner No.1); father-in-law (Petitioner No.2); mother-in-law (Petitioner No.3); brother-in-law (Petitioner No.4); sister-in-law (Petitioner No.5) and sister of Petitioner No.2 (Petitioner No.6), of Respondent No.2 have filed this Petition under Article 226 of the Constitution of India read with Section 482 of the Criminal Procedure Code for quashing of C.C.No.2309/PW/2017 pending on the file of Metropolitan Magistrate, 44th Court, Andheri, Mumbai, arising out of M.E.C.R.No.06/2016 registered with Amboli Police Station, Mumbai dated 17th September 2016 for offences punishable under sections 406, 498-A read with Section 34 of the Indian Penal Code with the consent

of Respondent No.2, the informant i.e. the wife of Petitioner No.1.

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 filed the Consent Terms in Petition No. A-1622 of 2021 before the Family Court at Bandra, Mumbai. That, in view of paragraph No.C(a) of the consent terms, present Petition is filed for quashing of the said case.

3) Learned Advocate for Respondent No.2 tendered across the bar her Affidavit dated 07th May, 2024 duly affirmed before a Notary Public. In the said Affidavit, the Respondent No.2 has admitted the fact of amicable settlement and filing of Consent Terms before the Family Court.

3.1) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 07th May, 2024 and her 'no objection' for quashing of the crime in question.

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

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)