

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1738 OF 2024**

Rakeshkumar Shivgopal Tiwari & Ors.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Adv. Yash Wardhan Tiwari a/w Adv. Deepa Panicker for the Petitioners.

Mr. S.V. Gavand APP, for the Respondent-State.

Adv. Devbrat Mishra for the Respondent No.2.

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

1) Leave to amend to incorporate present crime number registered with Arnala Police Station, District Palghar in prayer clause (a), granted. Amendment be carried out forthwith and in any event, during the course of the day.

2) Respondent No.2, the wife of Petitioner No.5 had filed C.R. No.655 of 2023 dated 22nd November, 2023 with Kotwali Police Station, Ayodhya, State of Uttar Pradesh against the Petitioners, under Sections 376, 511, 498(A) of the Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act. The said crime was subsequently transferred for investigation to the Arnala Police Station, District Palghar and is renumbered as C.R. No.150 of 2024 dated 4th April, 2024.

3) Petitioners i.e. father-in-law (Petitioner No.1); mother-in-law (Petitioner No.2); sister-in-law (Petitioner No.3); husband of sister-in-law (Petitioner No.4) and the husband of Respondent No.2 (Petitioner No.5) 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 the said C.R.No.150 of 2024 dated 4th April, 2024, registered with Arnala Police Station, District Palghar with the consent of Respondent No.2, the wife of Petitioner No.5.

4) Learned Advocate for the Petitioners submitted that, the Petitioner No.5 and Respondent No.2 have settled their disputes and differences amicably and have started to live a peaceful life at a separate residence for their better future. The pleadings to that effect are incorporated in paragraph No.6 of the Petition. That, as the Respondent No.2 is now cohabiting with Petitioner No.5, she has given her consent for quashing of the crime bearing C.R. No.655 of 2023 dated 22nd November, 2023 originally registered with Kotwali Police Station, Ayodhya and subsequently transferred to Arnala Police Station, District Palghar for investigation having renumbered C.R. No.150 of 2024 dated 4th April, 2024 registered with Arnala Police Station, District Palghar. He therefore prayed that, the said crime may be quashed with consent of the Respondent No.2.

5) Learned Advocate for the Respondent No.2 submitted that, the Respondent No.2 has filed an Affidavit of her consent dated 26th April, 2024

duly affirmed before the Assistant Registrar of this Court. In the said Affidavit, the Respondent No.2 has given her no objection for quashing of the said crime.

5.1) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 26th April, 2024 and her 'no objection' for quashing of the crime in question.

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

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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