

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

WRIT PETITION NO. 4431 OF 2018

Dheeraj Dagdu Gogawale

.. Petitioner

v/s.

The State Of Maharashtra And
Ors.

.. Respondents

Mr. Aman Kothari i/b. Mr.Vaibhav Bagade for the Petitioner.

Mr. J.P.Yagnik, APP for the Respondent-State.

Mr. Gaurav Kalekar, for the Respondent No.2 & 3.

CORAM : A. S. GADKARI &

SHYAM C. CHANDAK, JJ.

DATE : 4th April, 2024.

P.C. :

1) Petitioner the Husband of Respondent No.3 has filed present Petition under Article 226 of the Constitution of India for quashing of C.C. No.PW/2315/2012 pending on the file of 17th Metropolitan Magistrate Court, Borivali, Mumbai arising out of C.R.No.31/2012 registered with Samtanagar Police Station, Mumbai under Sections 323, 324, 504, 506 of I.P.C. with the consent of Respondent No.3, the informant.

2) Learned Advocate for the Petitioner submitted that, the Petitioner and Respondent No.3 have filed Consent Terms for divorce by mutual consent before the National Lok Adalat No.2 at Family Court, Mumbai in Petition No.A-1752 of 2010. The said Consent Terms are

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annexed at page No.19.

2.1) He submitted that, in para No.6 of the consent terms the Respondent No.3 has agreed to give her 'no objection' for quashing of the present crime. He therefore prayed that, the said crime may be quashed as per the the Consent Terms with the consent of Respondent No.3.

3) Respondent No.3 is personally present in the Court and through her Advocate conceded to the fact of execution of the Consent Terms before the National Lok Adalat No.2 at Family Court, Mumbai in Petition No. A-1752 of 2010 and gives her 'no objection' for quashing of the crime in question.

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

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)