

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 257 OF 2024**

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Akshay Ashok Nar And Ors**.. Petitioners****v/s.****The State Of Maharashtra And
Anr****.. Respondents****Mr. Praful S. Pawar a/w. Ms. Deepali Jadhav for the Petitioners.****Mr. Ajay Patil, APP for the Respondent-State.****Ms. Bhagyashri Ranade a/w. Ms. Reena Prajapati for the Respondent No.2.****P.S.I. Shekhar Pawar attached to RAK Marg Police Station present.****CORAM : A. S. GADKARI &****SHYAM C. CHANDAK, JJ.****DATE : 9th MAY, 2024.****PC. :**

1) Leave to amend to incorporate challenge to C.C.No.1408/PW/2023 pending on the file of 13th Metropolitan Magistrate Court, Bhoiwada, Dadar, by way of incorporating additional prayer i.e. prayer clause (b1), granted.

1.1) Amendment be carried out forthwith and in any event during the course of the day.

2) Petitioners i.e. husband (Applicant No.1); mother in law (Applicant No.2); and father-in-law (Applicant No.3) of Respondent No.2 have filed this present Petition under Article 226 of Constitution of India

read with 482 of Criminal Procedure Code for quashing of C.C. No. 1408/PW/2023 pending on the file of 13th Metropolitan Magistrate, Bhoiwada, Mumbai, arising out of FIR No.15 of 2023 dated 19th January 2023, registered with R.A.K. Marg Police Station, Mumbai, under Section 498-A, 323, 504 read with 34 of 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 Consent Terms dated 22nd August 2023 are filed in the present Petition. As per the terms of the Consent Terms, the Petitioners today have handed over a Demand Draft of Rs.50,000/- to the Respondent No.2, photocopy of which is placed on record. That, in para No.7 of the Consent Terms the Respondent No.2 has agreed to give consent for quashing of the present proceedings. It is therefore prayed that, the said crime may be quashed with the consent of Respondent No.2.

4) Learned Advocate for the Respondent No.2 tendered across the bar her Affidavit dated 9th May 2024. It is stated therein that, the Respondent No.2 has settled the matrimonial disputes with the Petitioner No.1 amicably and she has no more grievance against the Petitioners. In para No.4 she has given her no objection for quashing of the crime in question.

4.1) The Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her affidavit dated 9th May 2024 and her 'No Objection' for the quashing of crime in question.

4.2) In view thereof, Petition is allowed in terms of prayer clauses (b) and (b-1).

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)