

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1584 OF 2024**

Shehbaz Abdul Rahim Panja & Ors.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Adv. Husen Shaikh a/w. Adv. Rumman Shaikh for the Petitioners.

Smt. Anamika Malhotra Addl. PP for the Respondent-State.

Adv. Mohd. Subhan Teli for the Respondent No.2.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.****DATE : 26th JULY, 2024.****P.C.:-**

1) Husband (Petitioner No.1), mother-in-law (Petitioner No.2), brother-in-law (Petitioner No.3), wife of Petitioner No.3 (Petitioner No.4), sister-in-law (Petitioner No.5), husband of Petitioner No.5 (Petitioner No.6), sister-in-law (Petitioner No.7) and husband of Petitioner No.7 (Petitioner No.8) of Respondent No.2 respectively have filed present Petition under Article 226 of the Constitution of India for quashing of Sessions Case No.524 of 2023 pending on the file of learned Additional Sessions Judge, Mumbai arising out of C.R. No.459 of 2022, registered with Dongri Police Station, Mumbai under Sections 377, 315, 498-A, 323, 109, 504 and 506 read with 34 of the Indian Penal Code, with consent of Respondent No.2, the informant.

2) Learned Advocate for the Petitioner submitted that, present crime is basically registered due to matrimonial discord between the Petitioner No.1 and Respondent No.2. He further submitted that, Petitioner No.1 and Respondent No.2 have now amicably settled their disputes and differences and have executed Consent Terms dated 15th June, 2023 before the Metropolitan Magistrate, Mazgaon Court, at Mumbai in D.V. Case No.42 of 2022. That, in view of the covenants of the Consent Terms, the Respondent No.2 has agreed to give her consent for quashing of present case. He therefore prayed that, the said case may be quashed with the consent of Respondent No.2.

3) Learned Advocate for the Respondent No.2 submitted that, the Respondent No.2 has already filed on record an Affidavit dated 30th January, 2024, duly affirmed before a Notary Public. It is admitted therein that, the Respondent No.2 has executed Consent Terms dated 12th June, 2023 in the said D.V. Case No.42 of 2022. In paragraph No.7 therein she has given her full 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 30th January, 2024 and her 'no objection' for quashing of the crime in question.

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

(DR. NEELA GOKHALE, J.)

(A.S. GADKARI, J.)