

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1789 OF 2024

Mr. Jayesh Harilal Soni & Ors.

.....Petitioners

Vs.

The State of Maharashtra & Anr.

.....Respondents

Mr. Rishiraj Gohil for the Petitioners.

Mr. Vinit A. Kulkarni, A.P.P. for the Respondent-State.

Mr. Alok Singh i/b A. P. Singh for Respondent No. 2.

CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.
DATE : 27th JUNE 2024

P.C.:-

1) Petitioners i.e. husband, father-in-law, mother-in-law, sister-in-law and brother-in-law respectively of Respondent No. 2 have filed present Petition under Article 226 of the Constitution of India read with Section 482 of the Criminal Procedure Code, 1973 for quashing of the First Information Report bearing No. 69 of 2022 dated 9th February 2022 registered with Samtanagar Police Station for the offence punishable under Sections 498-A, 406, 323 & 504 read with 34 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961, with the consent of Respondent No. 2, the Informant.

2) Learned Advocate for the Petitioners submitted that, Petitioner No. 1 and Respondent No. 2 have executed the Consent Terms dated 15th April 2024 in Petition No. A/1881/2021 before the Family Court at Bandra, Mumbai and settled their disputes and differences amicably. That, the

Respondent No. 2 in paragraph no. 10(a) thereof, has undertaken to file her consent/Affidavit and other documents for quashing of the present crime before this Court. That, the Respondent No. 2 has given no objection for quashing of the crime in question. He submitted that, in view thereof, the crime in question may be quashed with the consent of Respondent No. 2.

3) Learned Advocate for the Respondent No. 2 tenders across the bar her Affidavit dated 7th May 2024, duly affirmed by a Notary Public. In the said Affidavit, the Respondent No. 2 has admitted the amicable settlement between the parties herein and execution of Consent Terms dated 15th April 2024 before the Family Court at Bandra, Mumbai. In paragraph no. 4 of the Affidavit, Respondent No. 2 has admitted that, she has entered into compromise with the Petitioner No. 1 and has executed the Consent Terms on 15th April 2024 before the Family Court at Bandra, Mumbai. In paragraph no. 6 thereof, the Respondent No. 2 has given her no objection for quashing of the crime in question.

3.1) Respondent No. 2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 7th 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).

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)