

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1829 OF 2024

Mr. Mehboob Maqsood Ali Pathan & Ors.Petitioners

Vs.

The State of Maharashtra & Anr.Respondents

Mr. Mohd. Ahmed for the Petitioners.

Mr. Anand S. Shalgaonkar, A.P.P. for the Respondent-State

Ms. Anees Shaikh for the Respondent No. 2.

P.S.I. A. S. Jadhav, Ghatkopar Police Station, Mumbai present.

CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.
DATE : 11th JULY 2024

P.C.:-

1) Petitioners i.e. husband, father-in-law and mother-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 C.C. No. 1815/PW/2023 pending on the file of learned Metropolitan Magistrate, 49th Court at Vikhroli, Mumbai, arising out of C. R. No. 932 of 2022 registered with Ghatkopar Police Station, Mumbai for the offence punishable under Sections 498(A), 323, 504 & 506 of the Indian Penal Code, 1860 read with Sections 3 & 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019, with the consent of Respondent No. 2.

2) Learned Advocate for the Respondent No. 2 submitted that, the

Petitioner No. 1 and the Respondent No. 2 have settled their disputes and differences amicably and have executed the Consent Terms dated 3rd October 2023 in C.C. No. 259/DVC/2022 before the learned Metropolitan Magistrate, 57th Court at Kurla, Mumbai. That, in pursuance of the said Consent Terms, the Respondent No. 2 is now giving her consent for quashing of the said case.

3) Learned Advocate for the Petitioners submitted that, the Respondent No. 2 has filed an Affidavit dated 12th December 2023, duly affirmed before a Notary Public. In the said Affidavit, the Respondent No. 2 has admitted the fact of execution of Deed of Settlement with Petitioner No. 1 and has expressed her desire in not continuing with the prosecution against Petitioners. She has also stated that, she has no grievance against any of the Petitioners, accused persons in the present crime. He therefore prayed that, the said case may be quashed with the consent of Respondent No. 2.

3.1) Respondent No. 2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 12th December 2023 and her 'no objection' for quashing of the present case.

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

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)

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