

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2152 OF 2024**

Mr. Abhijeet Babasaheb Mahajan & Ors.Petitioners

Vs.

The State of Maharashtra & Anr.Respondents

Mr. Pravin Maruti Dabade for the Petitioners.

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

Mr. Akash Ahire for Respondent No. 2.

Mr. Sunil Ramkar, P.S.I. (Pairavi), Chunabhatti Police Station, Mumbai present.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.**

DATE : 27th JUNE 2024

PC:-

1) Petitioners i.e. husband, father-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 R.C.C. No. 819/PW/2017 pending on the file of learned Metropolitan Magistrate, 60th Court at Kurla, Mumbai, arising out of C. R. No. 13 of 2017 registered with Chunabhatti Police Station, Mumbai for the offence punishable under Section 498-A read with 34 of the Indian Penal Code, 1860, with the consent of Respondent No. 2.

2) Learned Advocate for the Petitioners submitted that, the marriage of Petitioner No. 1 and Respondent No. 2 has been dissolved by a Decree of Divorce by mutual consent as contemplated under Section 13-B of

the Hindu Marriage Act, 1955. That, as per the Consent Terms executed between Petitioner No. 1 and Respondent No. 2 herein, the Petition for divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 has been allowed by the learned Judge of Family Court No. 3 at Bandra, Mumbai by its Judgment and Order dated 14th September 2021. That, in view of the Consent Terms filed in the said Marriage Petition, the Respondent No. 2 has agreed to give her consent to quash the 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 tendered across the bar her Affidavit of today's date duly affirmed before a Notary Public. In the said Affidavit, Respondent No. 2 has admitted the fact of Decree of Divorce by mutual consent and in paragraph no. 5 thereof, she 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 of today's date 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.)