

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.3252 OF 2024**

Himnish Arun Ashar

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Adv. Vrushali Uday Kabre i/b Adv. Archana Gawli for the Petitioner.
Smt. Anamika Malhotra, Addl.PP for Respondent No.1-State.
Adv. Lubna Ansari, with Adv. Rakesh Pande for Respondent No.2.
Mrs. Hetvi H. Ashar, Respondent No.2 present in person.

**CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.**
DATE : 12th SEPTEMBER, 2024.

PC.:-

- 1) Husband of the Respondent No.2 has filed present Petition under Article 226 of the Constitution of India, for quashing of the C.C.No.1360/PW/24 pending on the file of 24th Metropolitan Magistrate, Borivali, Mumbai arising out of C.R.No. 468 of 2023 registered with Malad Police Station, Mumbai under Sections 323, 325 and 504 of the Indian Penal Code, 1860 ('IPC'), with consent of the Respondent No.2, informant.
- 2) Learned Advocate for the Petitioner submitted that, the Petitioner and the Respondent No.2 have settled their disputes and differences and have executed Consent Terms dated 2nd May 2024 before the Family Court at Bandra, Mumbai in Marriage Petition No. F-1659 of

2024. In the said Consent Terms, the Respondent No.2 has agreed to withdraw the present case. She submitted that, in pursuance of the said Consent Terms, present Petition is filed for quashing of the said case with consent of the Respondent No.2.

3) Learned Advocate for the Respondent No.2 has filed on record an Affidavit dated 1st August 2024 duly affirmed before the Assistant Registrar of this Court. In the said Affidavit, the Respondent No.2 has admitted the fact of amicable settlement between the parties and execution of Consent Terms before the Family Court, Mumbai. In paragraph number 5 thereof, she has given her no objection for quashing of the case in question.

3.1) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 1st August 2024 and her 'no objection' for quashing of the case in question.

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

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

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signed by
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