

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3453 OF 2024

Mr. Lalit Kesarinath Bhandari & Ors.

.....Petitioners

Vs.

The State of Maharashtra & Anr.

.....Respondents

Mr. Sanjay Kulkarni for the Petitioners.

Ms. Preeti Bharadwaj for Respondent No. 2.

Mr. S. A. Karmakar, A.P.P. for the Respondent-State.

P.S.I. Doke, Borivali Police Station, Mumbai present.

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

DATE : 13th AUGUST 2024.

P.C.:-

1) Petitioners i.e. husband (Petitioner No. 1), sisters-in-law (Petitioner Nos. 2 to 5) and father-in-law (Petitioner No. 6) of Respondent No. 2 respectively, have filed present Petition invoking jurisdiction of this Court under Article 226 of the Constitution of India, for quashing of the C.C. No. 2601524/PW/2010 pending on the file of learned Metropolitan Magistrate, 26th Court, Borivali, Mumbai, arising out of C. R. No. 115 of 2010 dated 24th March 2010 registered with Borivali Police Station, Mumbai for the offence punishable under Sections 406 & 498(A) read with 34 of the Indian Penal Code, with the consent of Respondent No. 2, the informant.

2) Ms. Bharadwaj, learned Advocate appearing for the Respondent No. 2 tendered across the bar her Affidavit dated 12th August 2024, duly affirmed before a Notary Public. It is stated therein that, in Family Court Appeal No. 23 of 2018, the Petitioner No. 1 and Respondent No. 2 have filed the Consent Terms. That, in the said Consent Terms the Respondent No. 2 has agreed to give her consent for quashing of the said case. The copy of Consent Terms dated 1st August 2024 is annexed to the said Affidavit. In paragraph no. 12 thereof, the Respondent No. 2 has given her no objection for quashing of the said case.

2.1) Respondent No. 2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 12th August 2024 and her 'no objection' for quashing the said case pending against the Petitioners.

3) 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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