

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 782 OF 2024**

Mr. Mehmoodali Usman Ali

.....Applicant

Vs.

The State of Maharashtra & Anr.

.....Respondents

Ms. Hitanshi Gajaria for the Applicant.

Smt. Anamika Malhotra, Addl.PP for the Respondent-State.

Ms. Khandelwal a/w Mr. Ali Kaashif Khan for Respondent No. 2.

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

**DATE : 27<sup>th</sup> JUNE 2024**

**PC.:-**

1) The husband of Respondent No. 2 has invoked jurisdiction of this Court under Article 226 of the Constitution of India read with Section 482 of the Criminal Procedure Code, 1973 for quashing of C.C. No. 460/PW/2021 pending on the file of learned Additional Metropolitan Magistrate, Railway Mobile Court at Andheri, Mumbai, arising out of C. R. No. 406 of 2018 registered with Oshiwara Police Station, Mumbai for the offence punishable under Sections 498-A & 406 of the Indian Penal Code, 1860, with the consent of Respondent No. 2.

2) Learned Advocate for the Respondent No. 2 tendered across the bar her Affidavit of today's date duly affirmed before a Notary Public.

2.1) It is stated therein that, the Applicant and Respondent No. 2 have obtained a legal separation/divorce as per Muslim Personal Law and have chosen to co-parent their son amicably. In paragraph no. 9 thereof, she has stated that she has no objection for quashing of the present crime and setting aside the matter against the Applicant.

2.2) 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.

3) In view thereof, Application is allowed in terms of prayer clause (a).

**(DR. NEELA GOKHALE, J.)**

**(A. S. GADKARI, J.)**

GITALAXMI  
KRISHNA  
KOTAWADEKAR

Digitally signed by  
GITALAXMI KRISHNA  
KOTAWADEKAR  
Date: 2024.07.08  
18:51:31 +0530