

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 4108 OF 2025**

Kapil Sunil Misar & Ors.

... Petitioners

V/s.

State of Maharashtra & Anr.

... Respondents

Mr. Gautam Tiwari i/b Ms. Tasneem Khatau for Petitioners.
Mr. Ajay S. Patil, A.P.P. for Respondent No.1-State.
Ms. Shraddha Kadam for Respondent No.2.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.**
DATE : 3rd September 2025.

P.C. :

1) Leave to amend to incorporate challenge to RCC No. 1852 of 2025, pending on the file of learned Judicial Magistrate First Class (5th Court), Pimpri, District Pune, in the prayer clauses, granted.

1.1) Amendment be carried out during the course of the day.

2) Husband, father-in-law and mother-in-law of Respondent No.2 have filed this Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, for quashing of R.C.C. No. 1852 of 2025, pending on the file of learned Judicial Magistrate First Class (5th Court), Pimpri, Dist. Pune, arising out of

C.R.No. 0130 of 2025, dated 27th April 2025, registered with Chichwad Police Station, Pimpri Chinchwad Police Commissionerate, punishable under Sections 85, 115(2), 352 read with 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023, with the consent of Respondent No.2, the informant.

3) Ms. Kadam, learned Advocate appearing for the Respondent No.2, tendered across the bar her Affidavit dated 26th June 2025, duly affirmed before a Notary Public. It is stated therein that, the Respondent No.2 has settled the differences amicably with the Petitioners and have entered into a Memorandum of Understanding (MoU) dated 26th June 2025, in the best interest of minor daughter namely Aarvika Misar, aged 5 years. In para No. 5 thereof, Respondent No.2 has given her no objection for quashing of the said crime.

3.1) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 26th June 2025 and her 'No Objection' for quashing of the crime in-question.

4) In view thereof, Petition is allowed in terms of prayer clause (a) and amended prayer clause (a-1).

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)