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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 636 OF 2025

- | | | | |
|----|---------------------------------|---|---------------|
| 1. | Jayesh Govind Charniya |] | |
| | Age : 32 years Occ : |] | |
| 2. | Govind Shamji Charniya |] | |
| | Age : 62 years Occ : |] | |
| 3. | Ratanben Govind Charniya |] | |
| | Age : 58 years Occ : Housewife |] | |
| | All Residing At : Zopda No. 26, |] | |
| | Central Railway Locoshed, |] | |
| | Shivadas Cahpsi Marg, Mazgaon, |] | |
| | Mumbai – 400 010 |] | ...Applicants |

V/s.

- | | | | |
|----|--|---|----------------|
| 1. | The State of Maharashtra |] | |
| | (At the instance of Byculla Police Station)] | | |
| 2. | Palak Jayesh Charniya |] | |
| | Age : 27 Years Occ : Service |] | |
| | Residing At : Room No. 06, |] | |
| | Central Railway Compound, Locoshed,] | | |
| | Sivdas Chapsi Marg, Tadvadi, |] | |
| | Mumbai – 400 010 |] | ...Respondents |

Mr. Tajammul Usman Khan i/b. Capri Legal for Applicants.

Mr. Ashish I. Satpute, A.P.P. for Respondent No. 1 – State.

Mr. Mizan Khan i/b. Adv. Sharon Fernandis for Respondent No.2.

Mr.Asif Pathan, PSI a/w. Mr.R.M.Bhoye, IO Pairvi Officer, Byculla Police Station, Mumbai present.

CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.
DATE : 02nd JULY, 2025

JUDGMENT (Per : A.S.Gadkari, J.) :-

1) Husband (Applicant No.1); father-in-law (Applicant No.2) and mother-in-law (Applicant No.3) have filed this Application under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of C.C. No.102/PW/2024, pending on the file of 25th Court of Judicial Magistrate First Class, Mazgaon, Mumbai arising out of C.R. No. 472 of 2023, dated 8th October, 2023, registered with Byculla Police Station, Mumbai under Sections 498-A, 504 read with 34 of the Indian Penal Code, with the consent of Respondent No.2, the informant.

2) Learned Advocate appearing for Respondent No.2 submitted that, the Respondent No.2 has affirmed an Affidavit dated 18th June, 2025 duly affirmed before a Notary Public. He tendered across the bar the said Affidavit of Respondent No.2. In Paragraph No.2 thereof, Respondent No.2 has stated that, she has amicably settled her disputes and differences with Petitioners and she has opted to cohabit with Applicant No.1 to give second chance to her relationship, as husband and wife. In Paragraph No.7 thereof, Respondent No.2 has given her free consent for quashing of the crime in question with her conscious mind with free will and without any sort of pressure, coercion or fraud applied on her giving consent.

2.1) Respondent No.2 is personally present in Court and through her Advocate, reiterates the contents of her affidavit dated 18th June, 2025 and her 'No Objection' for quashing of the crime in question.

3) In view of the above, Petition is allowed in terms of prayer clause (b).

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)