

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 81 OF 2023**

Rijoy Vijayan Pillai

...Applicant

V/s.

The Sr. Police Inspector and Ors.

...Respondents

Mr. Mateen Shaikh a/w Mr. Arshad Shaikh, Mr. Sharif Shaikh, Ms. Afrin Khan for Applicant.

Mrs. M. M. Deshmukh, A.P.P. for Respondent Nos.1 & 2-State.

Mr. Yashpal M. Thakur, for Respondent No.3.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 12th APRIL 2023.

P.C.:-

. Applicant/Original Accused in C.R. No.13 of 2018 registered with Navghar Police Station, Mulund, Mumbai, for offences under Sections 43(a) and 66 of the Information Technology Act, 2000 for quashing of the said crime with the consent of Respondent No.3, informant.

2. Learned Advocate for Applicant submitted that, the Applicant and Respondent No.3 are husband and wife. That, they have executed 'Consent Terms' dated 25.11.2022 in Petition No.A-792 of 2018 before the Family Court at Bandra, Mumbai. Paragraph Nos.19 of the said 'Consent Terms' provides for quashing of Case No.160 of 2019 pending on the file of learned Metropolitan Magistrate, 27th Court, Mulund, Mumbai arising out of

C.R.No.13 of 2018 registered with Navghar Police Station, Mulund, Mumbai.

3. Mr. Thakur, learned Advocate appearing for Respondent No.3 submitted that, the Respondent No.3 has filed an Affidavit dated 25.11.2023 before this Court and Paragraph-8 of the said Affidavit provides for quashing of the crime in question.

4. In view of the above, the said Case No.160 of 2019 pending on the file of learned Metropolitan Magistrate, 27th Court, Mulund, Mumbai arising out of C.R. No.13 of 2018, registered with Navghar Police Station, Mulund, Mumbai is quashed and Application is allowed in terms of prayer Clause (a).

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)