

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. WRIT PETITION NO. 535 OF 2016

Bhushan Jivan Vispute & Others. ... Petitioners.

V/s.

Sau Jayashree Bhushan Vispute & Anr. ... Respondents.

Mr. R. N. Gite, Advocate for the Petitioners.

Ms. R. M. Khairnar, Advocate for Respondent No.1.

Mrs. S. D. Shinde, APP for the State.

**CORAM : NARESH H. PATIL AND
A. M. BADAR, JJ.**

DATE : 15th MARCH, 2016.

P.C. :

1 The Petitioner No.1 and the Respondent No.1 got married in the year 2011. Some dispute arose between the them. Certain proceedings were filed under the Domestic Violence Act and Indian Penal Code. A petition under section 13(b) for divorce by mutual consent is pending before the Civil Judge, Senior Division, Nashik.

2 The parties thereafter decided to settle the dispute amicably.

3 The learned counsel appearing for the Petitioners submit that both, the Petitioner No.1-Bhushan and the Respondent No.1- Jayashree are present in the court. They are identified by their respective counsel. Both of them pray that the petition be disposed of in terms of the consent terms, which are presented before us today. The consent terms are signed by the respective parties i.e. the Petitioner No.1 and the Respondent No.1. The same are taken on record and marked “X” for identification.

4 The affidavit of Respondent No.1 dated 24th February, 2016 is presented before us by her Advocate. Clause 3 of the consent terms reads as under :

“3.It is agreed by the Petitioner for payment of amount of Rs.7,00,000/- (Seven lakhs) to the Respondent as and by way of lump sum one time maintenance amount, out of which an amount of Rs.3,50,000/- (Three lakhs fifty thousand) has been received by the Respondent by way of Demand Draft bearing No. 636867 dated 9th July, 2015 which has been credited to the account of the Respondent, and remaining amount of Rs.3,50,000/- (Three lakhs fifty thousand) is agreed to be paid at the time of decision of divorce proceedings, save and except none of the parties have any dues as against each other.”

5 The learned counsel for the parties submit that the next date before the Family Court is 30th April, 2016 on which date the Petitioner No. 1 would pay Rs.3,50,000/- to the Respondent No.1 and then the proceedings would come to an end before the Family Court.

6 We have perused the record, the consent terms marked "X" and the affidavit filed. As the parties have settled the matter amicably and it being the matrimonial matter, we find that this is a fit case to quash and set aside the criminal proceedings viz. CR.No.I-173 of 2012 initiated on the complaint lodged at the Ambad Police Station, Nashik by the Respondent No.1-Jayashree. We accordingly quash the said proceedings.

7 As per the consent terms, the Respondent No.1 agreed to withdraw all the proceedings pending against the Petitioners.

8 In the light of the above and in terms of the consent terms, this Petition stands disposed of.

(A. M. BADAR, J.)

(NARESH H.PATIL,J.)

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