

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.**

CRIMINAL WRIT PETITION NO. 409 OF 2017

1. Vikrant Vishwasrao Kadam,
Age : 32 years, Occu. Service,
2. Vishwasrao Laxmanrao Kadam,
Age : 66 years, Occu. Retired,
3. Usha Vishwasrao Kadam,
Age : 58 years, Occu. Household Work,

1 to 3 residing at – Flat No. 203, B-Wing,
Sector-14, KoparKhairne, Navi Mumbai.
4. Archana Bharat Godse,
Age : 38 years, Occu. Business,
5. Bharat Vijayrao Godse,
Age : 39 years, occu. Business,

4 & 5 residing at 5, Setu Darshan Apt.
Civil Camp Road, Shahibag,
Ahmedabad 380004, Gujarat.
6. Kajal Milind Chaukekar,
Age : 33 years, Occu. Household work,
7. Milind Manohar Chaukekar,
Age : 37 years, Occu. Job,

6 & 7 residing at 201, Ambersmit Building,
B/h. D N C School, Sunil Nagar, Kalyan,
Tilaknagar, Thane, Mumbai.

Petitioners...

Versus

1. Poonam W/o Vikrant Kadam,
Age : 28 years, Occu. Service,
Residing at Mukkam : Pimpalner,
Swami Samarth Nagar, Satana Road,
Taluka : Sakari, Dist. Dhule, Maharashtra.

2. The State of Maharashtra.

Respondents...

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Mr S. B. Jadhav, Advocate for the petitioners
Mr K. D. Mundhe, APP for respondent/State
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WITH
CRIMINAL APPLICATION NO. 5157 OF 2016

**CORAM : R. M. BORDE &
A. M. DHAVAL, JJ.**

DATE : 07TH JULY, 2017

ORAL JUDGMENT (Per R. M. Borde, J.) :-

. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties and taken up for final disposal at admission stage.

2. By this petition, the petitioners are seeking quashment of the criminal proceedings initiated in pursuance to lodging of FIR bearing Crime No. 64 of 2016, registered at Pimpalner Police Station, Dhule, on 19.06.2016, for offences punishable under Sections 498A, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. Since the dispute relates to matrimonial disharmony, same

was referred to Mediator for exploring the possibility of settlement between the parties. The report of mediation is received and mediation has been successful. Compromise terms signed by all the parties are taken on record and marked as "X" for the purpose of identification. The terms of settlement are verified before the Oath Officer. The parties are present before the Court and they are identified by their respective counsel.

4. The parties have resorted to apply for a Decree of Divorce u/s 13-B of the Hindu Marriage Petition Act, 1955. The petitioner No. 1-husband has agreed to pay compensation to the tune of Rs. 8,51,000/- (Rupees Eight Lakhs Fifty One Thousand) to the complainant/wife. It is recorded in the compromise terms that, out of the amount agreed to be paid, a sum of Rs. 4,00,000/- has already been paid to complainant-wife by way of Demand Draft drawn on H.D.F.C. Bank on 04.07.2017 and the complainant acknowledges the receipt of the same. It is further agreed that, the balance amount of Rs. 4,51,000/- would be paid at the stage of passing a decree by the Family Court, Dhule. The parties have agreed to appear before the Family Court, Dhule, on 04.08.2017.

5. In view of the settlement arrived at between the parties in

terms of compromise, the criminal proceedings initiated against the petitioners at the instance of respondent No. 1 deserve to be quashed and are accordingly quashed.

6. Rule made absolute in the aforesaid terms.

7. In view of disposal of Criminal Writ Petition No. 409 of 2017, nothing is left for consideration in the Criminal Application No. 5157 of 2016 and same stands disposed of.

[A. M. DHAVALA]
JUDGE

[R. M. BORDE]
JUDGE

sgp