

Ajit Digambar Jawale and Ors.	}	Appellants
versus		
Madhu Ajit Jawale and Anr.	}	Respondents

Ms. M. H. Mhatre - APP for the State.

DATED :- APRIL 11, 2017

1. The complainant is present in court. Mr. Rupawate and the learned advocate appearing for the complainant both state that the petitioners-accused and the complainant have amicably settled the matter. The terms on which this settlement was arrived at have been reduced into writing. They have been duly explained and interpreted to the complainant-wife. The complainant-wife, having understood that the multiple litigation has not resulted in anything fruitful for herself and her child and the husband having left both of them to reside in the United States of America, has agreed to put an end to the matrimonial

relationship. The petitioners' case is that the complaint made to the police station and invoking sections 498A, 323 of the Indian Penal Code, 1860 is a fallout of the matrimonial discord and the matrimonial proceedings. Now, even the proceedings under the Domestic Violence Act, 2005 and the substantive matrimonial proceedings have been settled. The complainant has to receive a sum of Rs.64 lakhs in full and final settlement of all her claims arising out of such relationship. She has also volunteered to handover and has indeed handed over physical possession of a flat in Pune where she was residing with her child. We have also independently inquired from her as to whether this settlement is voluntary and not vitiated by any coercion or force. She submits that having understood the consequences and implications of such terms, but finding that the relationship cannot be revived, she has accepted the terms. Thus, in the interest of her future and particularly of her child, she is now ready and willing to the petitioners request for quashing the FIR being granted. She submits that she has no claims of whatsoever nature against the petitioners.

2. In the light of the fact that the consent is free and not vitiated in law, similarly the terms not contravening the public policy, the offence being registered essentially on account of

matrimonial discord and differences, we allow this application. The FIR and the charge-sheet in consequence thereof are quashed. The application is allowed in terms of prayer clause (b).

3. This order is passed in the presence of the in-laws of the complainant-wife as also the complainant-wife.

(PRAKASH.D.NAIK, J.)

(S.C.DHARMADHIKARI, J.)