

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

WRIT PETITION NO.4032 OF 2019

Dr. Ajay Rajman Singh and Ors.

...Petitioners

vs.

The State of Maharashtra and Anr.

...Respondents

Mr. R. V. Gupta for the Petitioners.

Mr. Devansh Malhotra for Respondent No.2.

Mr. K. V. Saste, APP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
N. R. BORKAR, JJ.**

DATE : 5/2/2020.

PC.:

. Petitioners are present with their advocate. Respondent No.2 is present with her advocate. Parties are jointly requesting for quashing of chargesheet and FIR which is under sections 498A, 406, 504, 506 read with 34 of IPC.

2. The Consent Terms are already agreed between parties and the same have been tendered in Family Court, Bandra in Marriage Petition No.F-20009/2019 for grant of decree of divorce by mutual consent.

3. Accordingly, respondent No.2 has received Rs.5 Lakhs and amount of Rs.15 Lakhs is already deposited by the Petitioner in Family Court which she can withdraw after FIR is quashed and set aside and Domestic Violence case is withdrawn. Balance amount of Rs.10 Lakhs is to be received by her at the end of divorce proceedings before the Family Court.

4. As per the Consent Terms the respondent No.2 is entitled to custody of child by name Shivansh aged 2 ½ years.

5. We have perused FIR as also the Consent Terms. As interest of minor child is involved, we deem it fit to see that in case of any difficulty minor is not left unprovided for.

6. Accordingly, petitioner No.1 has tendered additional affidavit stating therein that he is ready and willing to contribute for betterment and welfare of Shivansh in case of emergency and necessity till respondent No.2 does not remarry. We accept that affidavit.

7. Respondent No.2 has also tendered additional affidavit stating that she can manage herself and child and she will not raise any claim for educational expenses or other expenses for welfare of Shivansh. Considering the welfare of minor we are not in position to accept this statement.

8. However, as the petitioner No.1 and respondent have arrived at settlement, they are free to abide by it keeping in mind that interest of minor is paramount and it needs to be protected.

9. In view of readiness and willingness shown by the petitioner No.1, we make Rule absolute in terms of prayer clause (a).

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)