

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

WRIT PETITION NO. 1043 OF 2021

Mayank Goswami and Ors. ...Petitioners
vs.
The State of Maharashtra and Anr. ...Respondents

Ms. Sweta A. Tandel - Advocate for the Petitioners
Ms. Ruchi Bist i/by Vivek Joshi - Advocate for the Respondent No. 2
Mr. K. V. Saste – APP for the Respondent No. 1.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 14th MARCH, 2022

P.C. :-

. Heard Ms. Sweta Tandel, the learned counsel for the Petitioners, Mr. K. V. Saste, the learned APP for Respondent No. 1 as well as Ms. Ruchi Bist, the learned counsel for Respondent No. 2.

2. The Petitioner No. 1-Shri Mayank Goswami as well as Respondent No. 2-Darshika Goswami are personally present before this Court.

3. The Petitioners have approached this Court by filing present Petition seeking quashment of proceedings arising out of FIR bearing Crime No. 0229 of 2019. The proceedings are pending before the learned Magistrate, Jt. Civil Judge Junior Division and J.M.F.C. Court at Kalyan.

4. In the principal prayer clause “a”, the reference is made to

settlement arrived at between the parties.

5. The perusal of the copy of report is placed on record to show that the Petitioner No. 1 and Respondent No. 2 were colleagues in private company. With the permission of the family members, they have decided to turn the friendship in the matrimonial relationship and accordingly marriage was solemnized on 05/12/2007. It seems that within a very short span of matrimonial life, there was serious discord between the couples. The Respondent No. 2 approached the police authorities in Delhi some time in the year 2009 raising grievance of ill treatment and harassment in the hands of the Petitioner No. 1. The Petitioner No. 1 then submitted to the Respondent No. 2 that he will not repeat the acts and on that assurance the couple started residing at Hyderabad. But after some period, the Respondent No. 2 subjected to ill treatment and harassment. Left with no choice, the Respondent No. 2 lodged the report in Manpada Police Station, Dombivali in the year 2019. The said report and proceedings arising out the said report are in question before this Court. It was submitted to this Court that the Respondent No. 2 initially had filed proceedings in the Family Court for divorce and she had also initiated certain proceedings taking recourse of the provision of Domestic Violence and subsequently Respondent No. 2 withdraw her proceedings for Divorce and the Petitioner filed petition in the Family Court.

6. It is submitted to this Court that during the pendency of the proceedings, the better sense prevailed over the parties and have decided to resolve the dispute amicably. The affidavits are filed on behalf of the Petitioner No. 1 as well as Respondent No. 2. It is stated in the affidavit of Petitioner No. 1 that his Sister Supriya who is Petitioner No. 3 in the present proceeding has arrayed as Accused No. 2, is an employee of the Indian Navy and married to a Naval Officer and she is leading peaceful matrimonial life. It is further stated in the affidavit that his another sister of the Petitioner No. 1 is Sunaina, who is Petitioner No. 2 in the present petition is a permanent resident of Delhi.

7. In the affidavit filed on behalf of Respondent No. 2, it is stated that during the course of proceedings before the Family Court Bandra, the settlement is arrived between the Respondent No. 2 and her husband-Petitioner No.1.

8. It is also stated in the affidavit of Respondent No. 2 that she had withdrawn the Domestic Violence case from Kurla Metropolitan Magistrate Court. It is further stated in the affidavit that Respondent No. 2 as well as Petitioner No. 1-Mayank Goswami have withdrawn the allegations and counter allegations made against each other and Respondent No. 2 would extend necessary assistance so as to convert Divorce Petition filed at the instance of the Petitioner No. 1 to Mutual

Consent Petition. She also recorded her No Objection for quashing FIR and proceedings in paragraph No. 6 of the affidavit.

9. There is also reference to the financial terms settled between the parties and same is the part of the documents placed on record at Exh. B under the caption Consent Terms for Divorce. These terms are submitted before the learned Family Court, Bandra, Mumbai under Petition No. A-2352 of 2019 and agreed to contents of paragraph no. 9 of the Consent Terms referred to the financial settlement and it reads that the Petitioner No. 1 – Mayank Goswami in the present Petition has agreed to pay the amount of Rs. 8,00,000/- to the Respondent No. 2 towards one time settlement amount of maintenance/permanent alimony for herself for past, present and future.

10. It is further stated that he shall pay the said amount by way of DD to the Respondent No. 2 on the day of decree of Divorce. Then there are other terms referred in the said document.

11. On consideration of above referred facts what emerges is that as will and wish of the parties to part their ways by resolving the dispute amicably and was not to interfere in the life of each other in future on the basis of terms agreed between them.

12. Considering these facts, we are of the opinion that the case is made out for allowing the Petition.

13. Accordingly, the Petition is allowed in terms of prayer clause “a” and is disposed of accordingly.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)