

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

WRIT PETITION NO. 1246 OF 2022

Sachin Harish Chhabria ...Petitioner
vs.
The State of Maharashtra and Anr. ...Respondents

Apoorva Thakre i/by Vikrant V. Parashurami - Advocate for the Petitioner
Harsh Nishar h/f Niyati Sontakke - APP for the Respondent-State
Both parties are present before this Court.

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

DATE : 29th APRIL, 2022

P. C. (Per S. M. Modak, J.):-

. The Petitioner and Respondent No. 2 are the Husband and wife and their marriage is solemnized on 03/07/2017. Since 17/04/2019, they are residing separately. There is no issue out of said marriage. The F.I.R. bearing Crime No. 122 of 2019 is outcome of the incident that took place on 18/04/2019 and offence No. 122 of 2019 under Sections 323, 325, 498A and 406 was registered with Juhu Police Station.

2. Apart from that Respondent No. 2 wife has filed a Petition for divorce before the Family Court, Pune. There was a counselling done by Marriage counsellors and both have agreed to take divorce by mutual consent. The terms were reduced in to writing on 23/07/2021. The

Petitioner has agreed to pay of Rs. 15,00,000/- towards permanent alimony. Demand draft of Rs. 7,50,000/- is deposited with Family Court Pune and remaining amount of Rs. 7,50,000/- is to be deposited by the Petitioner. The Respondent No. 2 has agreed to give co-operation of quashing of prosecution. Copy of the consent terms executed before marriage counsellors is filed on record. The Petitioner and Respondent No. 2 have filed a joint affidavit.

3. We have heard the learned counsel for the Petitioner and learned APP for the Respondent-State.

4. As their matrimonial dispute is settled, no purpose will be served by keeping the prosecution pending. Hence the following Order:-

ORDER

- (i) The Writ Petition No. 1246 of 2022 is allowed.
- (ii) The F.I.R No. 122 of 2019 registered with Juhu Police Station on 18/04/2019 for the offence punishable under Sections 323, 325, 498A and 406 of the Indian Penal Code is quashed and set aside.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)