

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

WRIT PETITION NO. 721 OF 2022

Sumit Dinesh Kukreti and Anr.	...Petitioners
vs.	
State of Maharashtra and Anr.	...Respondents

Mr. Uttam Rane a/w Sanjay R. Sitadevi Haritwal, Sumit Dinesh Kukreti and Anr. - Advocate for the Petitioners.

Mr. K. V. Saste - APP for the Respondent-State

Mrs. Abha Sumit Kukreti - The Respondent No. 2 – in person

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

DATE : 09th MARCH, 2022

P. C. :-

. We have heard Mr. Uttam Rane, the learned counsel for the Petitioners and Mr. K. V. Saste, the learned APP for the Respondent-State.

2. There is an offence registered at Kharghar Police Station, Navi Mumbai bearing C. R. No. 270 of 2021 on 23/07/2021 for the offence punishable under Sections 498(A), 406, 323, 504, 506 r/w 34 of the Indian Penal Code. It was at the instance of Respondent No. 2 -Abha Kukreti, there are five accused persons who are Petitioners herein.

3. The Petitioner No. 1 is the Husband of Respondent No. 2. Others are his relatives. The offence is outcome of alleged ill treatment to Respondent No. 2 by the Petitioners. All the Petitioners have been granted Anticipatory bail by the Panel Court. During the pendency of that Bail Application there was Memorandum of Understanding executed and it was filed in that Court. There is also proceedings bearing Miscellaneous Application No. 815 of 2021 filed by the Respondent No. 2. It was

withdrawn by Respondent no. 2. It was due to filing of divorce petition by consent. The said proceedings was disposed off.

4. By this Petition, the Petitioners are asking for quashing of proceedings on account of settlement. The copy of the Memorandum of Understanding executed on 20/12/2021 is filed. The Respondent No. 2 has agreed to co-operate for quashing of this proceedings.

5. After considering the above circumstances, no purpose will be served by continuing prosecution. It is interest of the parties to quash the proceedings so that their further life will be smooth.

6. The terms about payment of permanent alimony are mentioned in the Memorandum of Understanding. It is for the parties to comply and abide the said terms. Even there is acknowledgment of Rs. 7,00,000/- in para no. B] clause v] of that Memorandum of Understanding hence the prosecution needs to be quashed. Hence following Order :

ORDER

- (i) The Petition is allowed.
- (ii) The F.I.R. bearing C. R. No. 270 of 2021, registered with Kharghar Police Station, Navi Mumbai for the offence punishable under Sections 498A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code is quashed and set aside.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)