

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.851 OF 2021

Uday Mahesh Goradia and Ors. ... Applicants
Vs.
Vaishali Uday Goradia And Anr. ... Respondents

Mr. Jemini Mehta i/by Yogesh Dewani, Advocate for Applicants.
Mrs. Aruna Pai, PP for Respondent No.1 State.
Ms. Dishya Pandey, Adv. For Respondent No.2.

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

DATE : 15 MARCH 2022

P.C. :

. This is an Application for quashing FIR registered with Charkop Police Station, under Sections 498A, 406, 323, 504, 506 read with 34 of Indian Penal Code against in all three Applicants. It is at the instance of Respondent No.1 Vaishali Goridiya. She is the wife of Applicant No.1 Uday Goridiya.

2. Their marriage was solemnised on 26 January, 2013. Both co-habitted at Kandivali. Their relationship was cordial for 5

to 6 months. Thereafter she was being ill treated by suspecting her character and another reason for ill treatment was on account of not bringing Rs.5 lakh for starting new business by Applicant.

3. There was Anticipatory Bail Application filed on behalf of Applicants. The matter was referred to mediation and the parties have settled their dispute during mediation. Consent terms were executed on 8th July, 2021.

4. The Applicant has agreed to pay Rs.10,50,000/- to Respondent No.1 by way of lump sum permanent alimony in installments. The consent term contain detail clauses about how the settlement will took place. The parties have agreed that there is no more exchange of articles and Respondent No.1 has waived her right to claim maintenance in future. The custody of minor child Kavish shall remain with Respondent No.1 and the Applicants husband has agreed not to claim custody. There is also a clause that both the parties will not make a claim in respect of

movable and immovable property, Bank Account and other Assets. Both have reiterated that no other cases are pending. They have agreed to take divorce by mutual consent. Respondent No.1 has agreed for quashing of the proceeding.

5. We have heard, learned advocate Jemini Mehta for Applicant, Aruna Pai APP for Respondent No.1 State, Misha Pandey for Respondent No.2. Respondent No.1 has also filed an affidavit thereby confirming the consent terms. The prosecution is arising out of difference of opinion arising out of marital relationship and as they have settled their dispute, case for quashing is made out. It will not be in the interest of both the parties to continue the prosecution considering their future life hence the order. Application is allowed. FIR is quash and set aside.

ORDER

- a) The Criminal Application No.851 of 2021 is allowed.
- b) The FIR bearing NO.108 of 2021 dated 9 September, 2021 at Charkop Police Station offence registered

under Sections 498-A, 406, 323, 504, 506 read with
34 of the IPC are quashed and set aside.

(S.M. MODAK, J.)

(PRASANNA B. VARALE, J.)