

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

CRIMINAL WRIT PETITION NO.4763 OF 2021

Mr. Mayur Chandrakant Samjiska		
And Others	...	Petitioners
Versus		
The State of Maharashtra		
And Another	...	Respondents

Mr. Neha Aiya for the Petitioners.
Ms. M.H. Mhatre, APP for Respondent No.1-State.
Mr. Manohar S. Mandavkar for Respondent No.2.

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

DATE : 22 APRIL 2022

P. C. :

. There are cases and counter cases filed by the Petitioners and Respondent No.2. There are the outcome of matrimonial dispute. Petitioner No.1 and Respondent No.2 cohabited together from 15 May 2015 till 23 March 2016 as husband and wife. Petitioner No.6 is father-in-law. Petitioner No.7 is brother-in-law, whereas Petitioner No.2 is cousin father-in-law and Petitioner Nos.3 to 5 are relatives of Petitioner No.2.

2 There are allegations of physical and mental harassment of Respondent No.2 by the Petitioners in different forms. There were also meetings conducted to settle the dispute but were not successful. Further Respondent No.2 has not returned her ornaments. On her complaint, Malad Police Station registered an offence punishable under Sections 498-A, 406, 323, 504, 506 read with Section 34 of Indian Penal Code against

these Petitioners. Charge-sheet is registered as C.C. No.999/PW/2018 before the Court of 24th Metropolitan Magistrate Court at Borivali.

3 Apart from above, Respondent No.2 has filed domestic violence case. So also Petitioner No.1 has filed an application under section 156(3) of the Criminal Procedure Code against brother of Respondent No.2 before the Court of JMFC, Vasai, Dist. Palghar. Petitioner No.1 husband has also filed Divorce Petition No.A 3176 OF 2018 before the Family Court at Bandra, Mumbai. Parties have arrived at settlement and they have decided to take divorce by mutual consent.

4 This is Petition for quashing by consent. We have heard Mr. Neha Aiya for the Petitioners, Ms. M.H. Mhatre, APP for Respondent No.1-State and Mr. Manohar S. Mandavkar for Respondent No.2. Respondent No.2 has filed an affidavit thereby affirming the settlement and terms also. Petitioner No.1 has agreed to pay Rs.5,00,000/- towards permanent alimony to Respondent No.21 and amount is deposited in Family Court, Mumbai. Family Court will pass Orders for its withdrawal. It is agreed to withdraw all cases filed by them against each other. Respondent No.2 has agreed to co-operate in quashing of criminal proceedings.

5 In view of settlement of matrimonial dispute, we deem it proper to quash the proceedings. If the criminal proceedings is continued, it will be come in their way of future peaceful life. Hence, we are inclined to allow the Petition. Hence, Order.

: O R D E R :

1. Writ Petition No.4763 of 2021 is allowed.

2. C.C. No.999/PW/2018 pending in the Court of 24th Metropolitan Magistrate Court at Borivali for the offence under Sections 489-A, 406, 323, 504, 506 read with 34 of Indian Penal Code arising out of FIR No.347 of 2016 is quashed and set aside.

RAJESH
VASANT
CHITTEWAN

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(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)