

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

WRIT PETITION NO.4611 OF 2021

Vishal Arun Jadhav

And Others

... Petitioners

Versus

State of Maharashtra

And Another

... Respondents

Mr. Vijay K. Shelar for the Petitioners.

Ms. M.H. Mhatre, APP for Respondent No.1.

Mr. Anuksha A. Shreshtha for Respondent No.2.

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

DATE : 14 MARCH, 2022

P. C. :

. Heard Mr. Shelar, learned Counsel for the Petitioners, learned APP for Respondent No.1-State and Ms. Anushka A. Shreshtha for Respondent No.2. Petitioner No.1 is present in this Court and other Petitioners, i.e. Petitioner Nos. 2 and 3 are of an advanced age and as such, they are not present in this Court. Similarly, Petitioner Nos.4 and 5 are engaged in respective occupation and service, as such, they are also not present in this Court.

2 The parties are jointly making request to this Court for quashing FIR No.235 of 2016, registered by Vikhroli Police Station at Mumbai lodged against the Petitioners for commission of offences under Sections 498(A), 323, 504 read with 34 of Indian Penal Code and the proceedings, namely, C.C. No.62/PW/2017 pending before the learned Metropolitan Magistrate, 31st Court, Vikhroli, Mumbai.

3 Perusal of the documents show that the marriage between Petitioner No.1 and Respondent No.2 solemnized on 3 March 2013 and though for a limited period post marriage, the Petitioner No.1 treated well Respondent No.2, but subsequently, Respondent No.2 was subjected to ill treatment and harassment. The in-laws of Respondent No.2 were reiterating time and again that marriage with Respondent No.2 was not as per will and wish of Petitioner No.1, but it was only because of the family members. Be that as it may. Respondent No.2 aggrieved by ill treatment of Petitioner, filed the proceedings seeking recourse to the provisions of Protection of Women from Domestic Violence Act, 2005, but those proceedings were withdrawn by Respondent No.2. Petitioner No.1 filed the petition, being Petition No.A-1823 of 2016 before the learned Judge of Family Court Mumbai at Bandra and the parties agreed to part with through the document under caption "Consent Terms for Divorce by Mutual Consent". It is placed at Exhibit 'B', Pg.38. The important terms agreed between the parties are as follows :-

- “5. It is agreed between both the parties that Respondent shall withdraw/quash the DV case No.71/DV/2017 filed in Vikroli M.M. Court against the Petitioner. Respondent also undertakes to withdraw/quash 498A Case No.62/PW/2017 filed in Vikroli M.M. Court against the Petitioner.
6. It is agreed between both the parties that the Petitioner shall deposit Rs.6,00,000/- (Rs. Six Lakhs only) to the Respondent in the name of the Hon'ble Principal Judge, Family Court, Bandra, Mumbai on or before 30th October 2021 towards permanent alimony for past, present and future.
7. There are no exchanges pending between the parties.

8. It is agreed between both the parties that the Petitioner shall handover the cupboard along with cloths to the Respondent on the next Court date. The charges of shifting the cupboard shall be borne by equally.
9. It is agreed between both the parties that the Respondent shall handover the passport to the Petitioner on the next Court date.”

4 Our attention was invited to copy of the Receipt placed on record at Pg.40 and a photocopy of the Cheque at Pg.41, to submit that Petitioner No.1 duly complied with the terms in clause-6 of the Consent Terms. Respondent No.2, who is present in this Court, on query made to her, submitted that she is having no objection for quashment of the FIR and the proceedings and she agreed the compliance of the terms by Petitioner No.1 and further has shown willingness to comply her part in turn, namely, clause-9 of the Consent Terms.

5 As the offence relates to matrimonial disputes between the couple and now Respondent No.2 is having no objection for quashing the FIR and proceedings, no fruitful purpose will be served by keeping the Petition pending in Court. On the contrary, as parties have decided to adopt approach of forgiveness and are desirous of opening new page in the chapter of their life, it would be in the interest of parties to permit them to lead future life without there being any hanging sword of a pending proceeding. As the case is made out, exercising powers under Section 482 of Criminal Procedure Code, the Petition is allowed in terms of prayer clause -(a) and disposed of accordingly.

