

CRIMINAL WRIT PETITION NO.5645 OF 2021

... Petitioners

... Respondents

(Copy of Spl. PoA is placed on placed on record).

S. M. MODAK, JJ.

P. C. :

. This is a Petition for quashing the criminal prosecution lodged by Nehru Nagar Police Station, Mumbai Suburb, for the offences punishable under Sections 498-A, 417, 420 r/w Section 34 of Indian Penal Code. Petitioner Nos. 1 and 2 are the husband and wife and their son Siddharth married with Respondent No.2 Mayuri on 26 February 2019. Both of them cohabited together till mid March 2019. Thereafter she had gone to her parents' house. Respondent No.2 realized that her husband Siddharth is suffering from incurable ailment and it was not disclosed to her and that is how she has been cheated. On her complaint, FIR is registered on 26 October 2020.

2 Said Siddharth expired on 31 May 2021. Respondent No.2 has also filed Divorce Petition No.A-13 of 2020 before Family Court, Bandra, at Mumbai. Police could file charge-sheet only against these Petitioners, as Siddharth had expired.

3 The Petitioners and Respondent No.2 through intervention of certain well wishers settled the dispute by entering into Family Arrangement dated 26 October 2021. Its copy is filed on record. Both the Petitioners have agreed to pay Rs.20,00,000/- to Respondent No.2 towards full and final settlement of her claim in entire property. Out of that amount, Rs.18,00,000/- was paid on the date of execution of the said deed and Rs.2,00,000/- was to be paid on the date of quashing of the criminal prosecution. She has agreed for giving consent for quashing of the criminal prosecution. Accordingly, this petition is filed for quashing by consent.

4 We have heard Mr. K.K. Holambe Patil for the Petitioners, Ms. M.H. Mhatre, APP for the Respondent-State.

5 Respondent No.2 has filed the affidavit, thereby confirming the settlement and execution of the deed and expressing consent for quashing of the proceeding. Her husband is no more. Their matrimonial dispute is also settled. So, we deem it proper to quash the proceedings. Hence, Order :-

: O R D E R :

1. Writ Petition No.5645 of 2021 is allowed.
2. Criminal Case No.1035/PW/2021 pending before the

learned Metropolitan Magistrate, 34th Court at Vikhroli, Mumbai for the offence under Sections 417, 420, 498(A), read with 34 of the Indian Penal Code arising out of FIR No.430 of 2020 is quashed and set aside.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)