

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

CRIMINAL WRIT PETITION NO. 1231 OF 2023

Pratik Narayan Vengurlekar and Ors. ...Petitioners

Versus

The State of Maharashtra and Anr. ...Respondents

Mr. Ameya S. Mahajan a/w Mr. Tarun Shroff, Advocate for Petitioner.

Mrs. Rupali Patil, Advocate for Respondent No.2.

Mr. S.S. Hulke, APP for the Respondent–State.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.**

DATE : 6th APRIL, 2023.

P.C. :-

1. The First Information Report (for short 'IPC') dated 29th June, 2022 registered with Andheri Police Station vide C.R. No.699 of 2022 for offences under Sections 498-A, 377, 420, 406, 506, 500 r/w 34 of Indian Penal Code (for short 'IPC') culminated into proceedings viz. C.C. No.3225/PW/2022 pending before the Court of learned Metropolitan Magistrate 65th Court at Andheri, Mumbai is sought to be quashed with the consent of Respondent No.2 in this Petition.

2. Petitioner No.1 is the husband. Petitioner Nos.2 and 3 are father-in-law and mother-in-law of Respondent No.2. It is alleged that, the marriage between Petitioner No.1 and Respondent No.2 was solemnized on 25th February, 2022. After the marriage the

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Respondent No.2 was subjected to illtreatment. On 10th March, 2022, the Petitioner No.1 went to Dubai for work. Ornaments of complainant were taken by accused. Hence, FIR as lodged on 29th June, 2022. On completing investigation charge-sheet was filed.

3. The Marriage Petition No.1544 of 2022 is filed before the Family Court at Bandra. Through mediation before marriage counselor at Family Court, Petitioner No.1 and Respondent No.2 have amicably settled their disputes and executed consent terms. The copy of consent terms is annexed to this Petition. From the contents of consent terms it is apparent that, the parties have agreed for divorce by mutual consent. Petitioner No.1 had agreed to give an amount of Rs.5,00,000/- to Respondent No.2 towards marriage expenses and the demand draft was agreed to be deposited in the Family Court within stipulated time. It was also agreed that, both the parties would co-operate for quashing the FIR filed by Respondent No.2 vide C.R. No.699 of 2022 and the proceedings arising out of the said FIR. Several other terms agreed between the parties were noted in the consent terms. Photo copy of the demand draft in the sum of Rs.5,00,000/-issued in the name of Principal Judge Family Court, Mumbai has been annexed to this Petition. The Respondent No.2 is present in the Court. Petitioner

Nos.1 and 3 are also present in the Court. The Respondent No.2 has filed affidavit dated 30th March, 2023 stating that, in view of consent terms dated 7th December, 2022, she has no objection for quashing FIR No.699 of 2022 and Criminal Case No. 3225/PW/2022 pending before the Court of learned Metropolitan Magistrate 65th Court at Andheri, Mumbai. Affidavit is taken on record.

4. The learned Advocate representing both sides Jointly submitted that, in view of the aforesaid factual aspects, the proceedings may be quashed.

5. Considering the fact that, the parties have arrived at amicable settlement, executed consent terms before the Family Court and consent affidavit filed by Respondent No.2, the impugned proceedings can be quashed.

ORDER

- i. Criminal Writ Petition No.1231 of 2023 is allowed.
- ii. Proceedings in C.C. No.3225/PW/2022 pending before the Court of learned Metropolitan Magistrate 65th Court at Andheri, Mumbai are quashed and set aside.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]