

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

CRIMINAL WRIT PETITION NO. 984 OF 2023

Amit Sunderji Shah @ Visaria and Ors. ...Petitioners

Versus

Manisha Amit Shah @ Visaria and Anr. ...Respondents

Mr. Darshan Juikar, Advocate for Petitioner.

Ms. Isha Bafna a/w Ms. Vedangi Satam i/by Jayakar & Partners,
Advocate for Respondent No.1.

Mr. Ajay Patil, APP for Respondent – State.

Mr. Bharat Rane, PSI, Kandivali P. Station.

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

DATE : 31st MARCH, 2023.

P.C. :-

1. This is a Petition for quashing the Criminal Proceedings in C.C. No.1247/PW/2018 arising out of C.R. No.288 of 2016 registered with Kandivali Police Station, Mumbai for offences under Sections 498-A, 406, 341, 323, 506 506 r/w 34 of Indian Penal Code (for short 'IPC').

2. The First Information Report (for short 'FIR') was registered with Tardeo Police Station on 20th July, 2016 for offences under Sections 498-A, 406, 341, 323, 504, 506 r/w 34 of IPC at the instance of Respondent No.2. It was alleged that, the marriage between Respondent No.1 and Petitioner No.1 was solemnized on

19th December, 2014. Subsequently, she was subjected to illtreatment by the accused. She was abused, intimidated and assaulted. There was demand of money for purchasing flat, shop, motorcycle and car. The investigation was transferred to Kandivali Police Station. On completing investigation charge-sheet was filed.

3. Petitioner No.1 is the husband, Petitioner No.2 is mother-in-law and Petitioner No.3 is sister-in-law of Respondent No.1.

4. The parties have arrived at settlement and executed consent terms, in the proceedings before the Family Court at Bandra, Mumbai. The consent terms dated 19th January, 2023 indicate that, the parties have settled all the disputes between them and resolved the matter amicably. The Respondent No.1 has agreed for quashing the proceedings initiated on her complaint. It is also apparent that, proceedings initiated by Respondent No.1 under the Domestic Violence Act are settled.

5. Learned Advocates for both sides submitted that, in view of the settlement between the parties the Respondent No.1 has no objection for quashing the impugned proceedings. The Respondent No.1 is present in the Court. Affidavit dated 19th January, 2023 executed by her is on record. The contents of affidavit reflects her consent for quashing the impugned proceedings. The Respondent

No.1 has confirmed the terms of settlement and contents of affidavit and reiterated her consent for quashing the proceedings.

ORDER

- i. Criminal Writ Petition No.984 of 2023 is allowed.
- ii. Proceedings in C.C. No.1247/PW/2018 pending before the Court of Additional Chief Metropolitan Magistrate, 17th Court Borivali Court, Mumbai are quashed and set aside.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]