

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.159 OF 2023

Mr. Ravikant Kailash Chandra Modi and Ors. ...Applicants.
V/s.

Mrs. Nikky Ravikant Modi & Anr. ...Respondents

Mr. Shahood. A. Naqvi for the Applicants.
Mr. Saraswati R. Shivari for Respondent No.1.
Mr. S. S. Hulke, A.P.P. for Respondent No.2-State.

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

DATE : 21st MARCH 2023.

PC.:-

1. The Applicants have preferred this Application under Section 482 of Criminal Procedure Code for quashing the proceedings arising out of C.R. No.366 of 2021 registered with Bhayandar Police Station, Dist. Thane for offences punishable under Sections 498(A), 323, 504 read with Section 34 of Indian Penal Code (*for short "IPC"*).

2. The First Information Report (*for short "FIR"*) was lodged on 09.09.2021 by Respondent No.1 alleging that, her marriage was performed with Applicant No.1 on 07.02.2013. The parents of Respondent No.1 spent huge amount in performing the marriage. The complainant noticed that, the Applicant No.1 was in illicit relationship. She was ill treated by all the accused. The accused demanded money from the complainant. The harassment caused to Respondent No.1 resulted in physical and mental

cruelty to her. On completing investigation, charge-sheet was filed before the Court of learned Judicial Magistrate First Class, Thane.

3. The Applicant No.1 & Respondent No.1 preferred a Petition for divorce by mutual consent under Section 13(B)(1)(2) of the Hindu Marriage Act, 1955 vide Marriage Petition No. MP/968/2022 in the Court of Civil Judge Senior Division, Thane. Both the parties have consented to terms to resolve and settle all the disputes among themselves amicably. The copy of Petition for divorce by mutual consent which contains the terms of the settlement has been annexed to this Application.

4. Learned Advocates for the Applicants and Respondent No.1 submitted that, the parties have arrived at amicable settlement and the impugned proceedings arising out of C.R. No.366 of 2021 registered with Bhayandar Police Station, Dist. Thane, may be quashed with the consent of Respondent No.1. The Respondent No.1 has filed 'Consent Affidavit' in support of prayer for quashing the charge-sheet arising out of aforesaid FIR. The Respondent No.1 is present in the Court. She has confirmed the contents of the Affidavit and the 'Consent Terms' through her Advocate and expressed that, she has 'no objection' for quashing the subject proceedings.

5. The impugned proceedings are arising out of matrimonial discord between the parties. The Applicant No.1 is husband of Respondent No.1. The Applicant Nos.2 and 3 are mother-in-law & father-in law of Respondent No.1. Applicant Nos.4, 5 & 7 are brothers of Applicant No.1. Applicant

Nos.6 & 8 are the sister-in-law of Applicant No.1. The Applicant No.1 and Respondent No.1 have filed a Petition for divorce viz. Marriage Petition No. MP/968/2022. In view of settlement, it was agreed that, the Respondent No.1 shall withdraw/quash/compound the criminal proceedings arising out of C.R. No.366 of 2021 viz. R.C.C. No.1251/2021.

6. Considering the aforesaid circumstances, the impugned proceedings initiated against the Applicants can be quashed with the consent of Respondent No.1.

7. Hence, the following Order :

ORDER

- i) Application is allowed in terms of prayer Clause (a).
- ii) The impugned proceedings arising out C.R. No.366 of 2021 registered with Bhayandar Police Station, Dist. Thane, which are pending before the Court of learned Judicial Magistrate First Class, Thane vide R.C.C. No.1251/2021 are quashed and set aside.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)