

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 179 OF 2023**

Dharmendra Abhayram Chaudhary and Ors. ...Applicants

Versus

The State of Maharashtra and Anr. ...Respondents

Mr. Rahul Shelke a/w Mr.Akshay Bansode, Ms.Neha Sharma
Advocate for Applicants.

Mr. Ajay Patil, APP for Respondent-State.

Ms. Gulestan Dubash, for the Respondent No.2.

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

DATE : 29th MARCH 2023.

P.C.:-

1. This is an application under Section 482 of Criminal Procedure Code for quashing the proceedings in RCC No.537 of 2017, arising out of First Information Report dated 29th March 2017 registered with Kapurbawadi Police Station, District Thane vide C.R. No. I-73 of 2017 for offences under Sections 498-A, 406, 323, 504, 354 read with 34 of the Indian Penal Code.

2. The Respondent No.2 is the first informant. Marriage between Applicant No.1 and Respondent No.2 was solemnized on 13th July 2016. The Applicant No.2 is the father-in-law, Applicant No.3 is the mother-in-law and Applicant Nos.4 and 5 are the brother-in-law of Respondent No.2.

3. The complainant had alleged that, her husband and his relatives were instrumental in ill-treating her. There was demand of money. Her

ornaments were misappropriated. The accused had committed acts in the nature of outraging her modesty.

4. It is brought to our notice that, parties have amicably settled the dispute. The Applicant No.1 and Respondent No.2 have agreed for divorce by mutual consent on certain terms and conditions, which were filed in Divorce Petition No.A-404 of 2019 filed in the Family Court at Thane. As per consent terms, the Respondent No.2 has agreed to quash the proceedings in RCC No. 537 of 2017 pending before the Court of learned Judicial Magistrate, First Class, Thane.

5. The Respondent No.2 has filed Affidavit and consented for quashing the impugned proceedings. The Respondent No.2 is present in the Court and she has confirmed the contents of consent terms and Affidavit and confirmed that she has 'No Objection' for quashing the subject proceedings.

6. Considering the fact that, the FIR was registered on account of matrimonial discord and since the parties have endeavoured to put an end to differences by executing consent terms, the said proceedings can be quashed.

ORDER

- (i) Criminal Application No. 179 of 2023 is allowed;
- (ii) The proceedings in RCC No. 537 of 2017 pending before the Court of learned Judicial Magistrate, First Class, Thane, arising out of C.R. No.I-73

of 2017 dated 29th March 2017, registered with Kapurbawadi Police Station, Thane under Sections 498-A, 406, 323, 504, 354 read with 34 of the Indian Penal Code are quashed and set aside.

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)