

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1145 OF 2023**

Narendra Nagappa Kullur and Ors.

...Petitioners

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Omprakash Dubey Advocate for Petitioners.

Ms. Dhanashree Hublikar i/by Mr. Nagesh N. Mali for Respondent

No.2.

Mrs. M. M. Deshmukh, APP for Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 29th MARCH, 2023.**

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P.C.:-

1. Leave to amend to incorporate case number in the prayer clause (B) of the Petition. Amendment to be carried out forthwith.
2. The Petitioners are seeking quashing of First Information Report (for short "FIR") dated 7th August 2020 registered with Shahunagar Police Station, Mumbai vide C.R. No. 302 of 2020 for offences under Sections 498-A, 406, 504 read with 34 of the Indian Penal Code (for short "IPC").
3. The Respondent No.2 is the first informant. The Petitioner No.1 is the husband, Petitioner No.2 is the father-in-law and Petitioner No.3 is the mother-in-law of Respondent No.2/complainant.

4. The first informant has alleged that, her marriage was performed with Petitioner No.1 on 17th May 2017. The Petitioners had caused harassment to her. She was ill-treated. She was abused. There was demand of money. There was physical and mental torture.

5. The Petitioners were granted anticipatory bail by the Court of Sessions vide order dated 13th January 2021. On completing investigation, charge-sheet was filed and the proceedings were numbered as C.C. No.373 of 2023.

6. It is jointly submitted by learned Advocate representing respective parties that, there is settlement between the Petitioners and Respondent No.2. The consent terms were filed in the proceedings initiated before the Family Court at Bandra, Mumbai. The Respondent No.2 has no objection for quashing the said proceedings. She has filed Affidavit in support of prayers for quashing the proceedings. The complainant is present in the Court. She has confirmed the contents of consent terms as well as Affidavit and reiterated that, she has no objection for quashing the proceedings under challenge. The said Affidavit is taken on record.

7. We have perused the documents. It is noted that, the impugned proceedings were outcome of matrimonial discord. The parties have arrived at amicable settlement. The Respondent No.2 in her Affidavit dated 16th February 2023 has stated that, there is settlement between the parties. She has no objection for quashing the proceedings. In view of the terms of

settlement reflected in the Affidavit filed by Respondent No.2 and consent terms executed on 21st January 2023, the proceedings under challenge can be quashed.

ORDER

- (i) Criminal Writ Petition No. 1145 of 2023 is allowed;
- (ii) The proceedings in C.C. No.373 of 2023 arising out of C.R. No.302 of 2020 registered with Shahunagar Police Station, Mumbai pending before the Metropolitan Magistrate, 12th Court, Bandra, Mumbai are quashed and set aside.

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)