

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

CRIMINAL WRIT PETITION NO. 4932 OF 2021

Pratayay Amit
Versus
The State of Maharashtra & Another

...Petitioner
...Respondents

....

Mr. Sangram Chinnappa, for the Petitioner.

Mr. Jayesh Mestry, for Respondent No.2.

Mrs.M.H. Mhatre, APP for the Respondent No.1 – State.

Mr. D.A. Suryawanshi (A.PI.) Manpada Police Station, present.

....

**CORAM : PRAKASH D. NAIK, &
N. R. BORKAR, JJ.**

DATE : 30th NOVEMBER, 2023.

P.C.:

1. The Petitioner has challenged the proceedings in R.C.C. No.526 of 2020 pending before the Court of learned J.M.F.C., Court No.3, Kalyan. The proceedings are arising out of C.R. No.153 of 2020 registered with Manpada Police Station, Thane for offences punishable under Sections 498-A r/w Section 34 Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act.

2. The First Information Report (for short 'FIR') was lodged at the instance of Respondent No.2 on 19th March 2020. The Respondent No.2 is the wife of Petitioner. Their marriage was

solemnized on 28 April 2018. On account of matrimonial differences, the FIR was registered alleging that the complainant was ill treated by the accused.

3. It is pointed out that the parties have resolved that dispute. They have arrived at amicable settlement. The Consent Terms are executed. It is agreed that the proceedings be quashed by consent.

4. The Petitioner and Respondent No.2 are present in the Court. The Consent Terms signed by both the sides are taken on record. The Consent Terms indicate that the Respondent No.2 will not pursue the Criminal Case against the Petitioner and withdraw all the allegations made by her in Crime No.153 of 2020 and she has no objection if the prayers made in this Petition are allowed. The Consent Terms also indicate that the Petitioner have agreed to pay the amount as stipulated in Clause No.7(b) of the Consent Terms.

5. It is submitted by Advocate for Petitioner that part payment towards the lump-sum amount agreed to be paid to the complainant has been parted to her and the balance amount shall be paid in installments which are due on 15 January 2024 and 15 February 2024.

6. The complainant has confirmed the contents of the Consent Terms and submitted that the proceedings can be quashed by her consent. Considering the fact that the FIR was registered on account of matrimonial discord between the parties and since the parties have resolved the dispute and arrived at amicable settlement which is followed by execution of Consent Terms, there is no impediment in granting the relief sought in this Petition. Hence, we pass the following order.

ORDER

- i. Criminal Writ Petition No.4932 of 2021 is allowed.
- ii. Proceedings in R.C.C. No.526 of 2020 pending before the Court of learned J.M.F.C., Court No.3, Kalyan arising out of C.R. No.153 of 2020 registered with Manpada Police Station, Thane are quashed and set aside.
- iii. The Petitioner undertake to abide by the Consent Terms.
- iv. Criminal Writ Petition is disposed of.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)