

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2541 OF 2023**

Tarabai Rambhau Karadbhajne and ors. ... Petitioners

Versus

The State of Maharashtra and anr. ... Respondents

AND

CRIMINAL APPLICATION NO. 1772 OF 2019

WITH

INTERIM APPLICATION NO. 2792 OF 2023

Vyankatesh Rambhau Karadbhajne ... Applicant

Versus

The State of Maharashtra and anr. ... Respondents

.....

Mr. Sameer Mhatre for the Petitioners.

Mr. Ajay Patil, APP for the State.

Mr. Rajat V. Dighe for Respondent No. 2.

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**CORAM : SMT. ANUJA PRABHUDESSAI &
N.R. BORKAR, JJ.**

DATED : 26 SEPTEMBER 2023

P.C. :-

Learned counsel for the petitioners/applicant state that during the pendency of the petition/application charge-sheet has been filed. He seeks leave to amend the prayer clause to give the details of the case number.

Leave granted. Amendment to be carried out forthwith.

2. The petitioners/applicant have invoked the jurisdiction of this Court under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure to quash RCC No. 545 of 2020 pending on the file of learned Judicial Magistrate First Class-3, Kalyan, arising from FIR No. 286 of 2019 registered with Dombivli Police Station for the offences punishable under Sections 498-A, 406, 323, 504, 506, 507 r/w 34 of the Indian Penal Code.

3. The marriage of the respondent No. 2 was solemnized with the applicant- Vyankatesh on 20 November 2013.

4. The respondent No. 2 lodged the First Information Report alleging that her husband and his family members had subjected her to cruelty. Pursuant to the said FIR the aforesaid crime came to be registered and upon completion of investigation charge-sheet has been filed.

5. Learned counsel for the petitioners/applicant as well as learned counsel for the respondent No. 2- first

informant state that the parties have settled the dispute amicably. They have filed their consent terms in Marriage Petition No. 1187 of 2022 pending before Civil Judge Senior Division, Kalyan. It is stated that the applicant-husband has agreed to pay lump sum amount of Rs. 53 Lakhs towards full and final settlement.

6. The respondent No. 2, who is present before the Court, accepts the contents of the consent terms. She has also accepted having received total amount of Rs. 25 Lakhs. The balance amount of Rs. 28 Lakhs is to be paid on the date of filing affidavit of evidence in the petition for divorce by mutual consent.

7. The respondent No. 2 has filed her affidavit stating that they have agreed to dissolve the marriage as per the consent terms filed before Civil Judge Senior Division, Kalyan. She has no grievance against the petitioners/applicant and his family members.

8. In **Rangappa Javoor v/s. State of Karnataka**¹, the Hon'ble Supreme Court has held that in cases of offences

¹ AIR ONLINE 2023 SC 206

relating to matrimonial disputes, if the Court is satisfied that the parties have genuinely settled that disputes amicably, then for the purpose of securing ends of justice, criminal proceedings inter-se parties can be quashed by exercising the powers under Article 142 of the Constitution of India or even under Section 482 of Code of Criminal Procedure, 1973.

9. In the instant case, both parties have settled the matrimonial dispute amicably. In our considered view, the settlement is genuine. Hence, this is a fit case to exercise the powers under Article 226 of the Constitution of India and Section 482 of Code of Criminal Procedure to secure ends of justice. Under the circumstances, following order is passed:

- (i) Writ Petition No. 2541/2023 and Criminal Application No. 1772/2019 are allowed.
- (ii) RCC No. 545 of 2020 pending on the file of learned Judicial Magistrate First Class-3, Kalyan, arising from FIR No. 286 of 2019 registered with Dombivli Police Station for

the offences punishable under Sections 498-A, 406, 323, 504, 506, 507 r/w 34 of the Indian Penal Code stands quashed.

(iii) Interim Application stands disposed of.

(N.R. BORKAR, J.) (SMT. ANUJA PRABHUDESSAI, J.)