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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3893 OF 2021**

Vinamra Vinod Dhabalia and Ors.Petitioners
V/s
The State of Maharashtra and Anr.Respondents

Mr. Niranjan Mundargi i/b Omneel Jadhav for the Petitioner.
Smt. M.M. Deshmukh, APP for the Respondent/State.
Mr. Saurabh More i/b Mr. Kshitij Kadam for Respondent No.2.
Petitioner No.1-husband and Respondent No.2/complainant i.e.
appeared before the Court through VC.

**CORAM: NITIN W. SAMBRE &
N. R. BORKAR, JJ.**

DATE: OCTOBER 05, 2023

P.C.:-

1] Petition is by the husband and his relatives who happen to be in-laws of the complainant. Respondent No.2 – complainant, at present, is informed to be residing in London and is heard through virtual mode as prayed by her Counsel.

2] Lawyer representing interest of Respondent No.2 has placed on record an affidavit duly sworn by Respondent No.2 before the Notary Public, London. The affidavit contains reproduction of consent terms and also independent of the said affidavit, consent terms are also produced duly notarized. As such, the affidavit and consent terms are

taken on record.

3] Respondent No.2 in her affidavit has stated as under:-

“1. That I am the wife of the Petitioner No.1 and Petitioner No.2 and 3 are my in-laws, who have filed the above Writ Petition inter-alia to quash and set aside the F.I.R. registered vide C.R. No.52 of 2020 dated 20th January, 2020 registered against them with Andheri Police Station, Mumbai for the offences punishable under u/s. 498(A), 406 r/w 34 of the Indian Penal Code, 1860 and for other consequential reliefs as prayed therein.

2. That I have read a copy of the Writ Petition, and in reply thereto, I have also filed the Affidavit in Reply dated 7th September 2022 contesting the said Writ Petition before this Hon’ble Court.

3. Now, the Petitioners and I have amicably settled the disputes amongst us based upon the terms recorded in the Consent Terms filed before this Hon’ble Court.

4. That in view of the aforesaid facts and also as per the Consent Terms entered into between the

Petitioner No.1 and me, I hereby give my consent to quash the F.I.R. bearing C.R. No.52 of 2020 dated 20th January 2020 registered against them with Andheri East Police Station, Mumbai for the offences punishable u/s. 498(A), 406 r/w. 34 of the Indian Penal Code.

5. I most respectfully submit that the necessary orders be passed by this Hon'ble Court on basis of this Affidavit."

4] The fact that parties have entered into consent terms so as to settle the dispute which has arisen out of matrimonial discord, resulting into registration of Crime No.52 of 2020 dated 20/01/2020 punishable under Sections 498A, 406 read with section 34 of the IPC, is agreed upon. Petitioner No.1, husband of Respondent No.2, has categorically stated before this Court that he has arrived at a settlement as reflected in the consent terms, as has been placed before this Court and submits that matter be disposed of by quashing the prosecution initiated against the Petitioners.

5] Respondent No.2-complainant is duly identified by her lawyer. We have interacted with Respondent No.2 qua contents of the consent terms and consent affidavit. She has specifically stated that she has voluntarily and out of her own free will extended consent for quashing of the offence. She has also stated before us that decision is taken in

the better interest of her daughter and her future. It is also agreed between the parties that Respondent No.2-complainant will be having custody of the daughter.

6] In the aforesaid backdrop, no purpose will be served in keeping the prosecution pending against the Petitioners, particularly having regard to the stand taken by Respondent No.2-complainant before this Court and also having regard to the settlement arrived at between the parties, as could be inferred from the consent terms drawn and placed before this Court.

7] In this background, having regard to the consent extended by Respondent No.2, we deem it appropriate to allow the present Petition in terms of prayer clause (a), subject to costs of Rs 50,000/- to be paid to the Central Police Welfare Fund by the Petitioners within a period of eight weeks from today and they shall submit a copy of the receipt of payment of aforementioned cost to the registry within a week thereafter, failing which order of quashing of the proceedings shall stand recalled.

(N. R. BORKAR, J.)

(NITIN W. SAMBRE, J.)