



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

CRIMINAL WRIT PETITION NO.3838 OF 2021

1. Shri Sachin Sudhakar Kale
Age 43 years, Occ. Business

2. Smt. Madhuri Sachin Kale
Age 38 years. Occ. Business
Both are R/at A/30/10, M.G. Complex,
Sector-14, Vashi, Navi-Mumbai-400 703 ... Petitioners

Versus

1. The State of Maharashtra
Through Kopar-Khairane Police Station

2. Smt. Laxmi Sudhakar Kale
Age 66 years, Occ. Housewife,
R/at B/C, Uma-Mahesh CHS
Plot No.34, Sector-2, Kopar Khairane,
Navi-Mumbai ... Respondents

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Mr. Sachin Chandan i/b Sushila Wadkar for the Petitioners.

Ms. Sharmila S. Kaushik, APP for Respondent No.1-State.

Mr. Hemant Ghadigaonkar i/b Sandesh More for Respondent No.2.

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

DATE : 10 OCTOBER 2023

P.C.

. Respondent No.2-mother lodged the complaint against
Petitioner No.1-son and Petitioner No.2-daughter-in-law, resulting

into the registration of C.R. No.I-245 of 2021 punishable under Sections 452, 325, 504, 506 r/w 34 of the Indian Penal Code.

2 Considering the nature of dispute and the parties to the said dispute, we had appointed Advocate Mr. Rupesh Krishnath Bobade, as a Mediator. The said Mediator has submitted his report in a sealed envelope. The mediation report submitted with a covering letter dated 1 September 2023 is taken on record. The mediation is informed to be successful and the Petitioners and Respondent No.2 along with other family members have arrived at settlement and accordingly settlement terms are drawn. The settlement terms are duly signed by Petitioner No.1-Sachin Sudhakar Kale, his brother Mahesh Sudhakar Kale and Respondent No.2-complainant, i.e. mother of aforesaid persons, Smt. Laxmi Sudhakar Kale and Seema Chetan Tambe, i.e. married sister of Petitioner No.1.

3 In the backdrop of the aforesaid settlement arrived at between the parties, a joint request is made for quashing of the proceedings.

4 When confronted, learned Counsel appearing for Respondent No.2 informs that he has instructions for consent for disposal of the

Petition in view of the aforesaid Consent Terms, which were executed before the Mediator and submitted before this Court vide covering letter of the Mediator dated 1 September 2023.

5 The parties, namely, Sachin Sudhakar Kale, Mahesh Sudhakar Kale, Smt. Laxmi Sudhakar Kale and Seema Chetan Tambe are physically present before Court. The said parties are duly identified by learned Counsel appearing for Respondent No.2- Smt. Laxmi Sudhakar Kale. All the parties were requested to interact with learned APP, Smt. Sharmila Kaushik. Smt. Sharmila Kaushik, upon instructions, submits that all parties, who are signatories to the consent terms submitted along with the Mediation Report of the Mediator have voluntarily and out of their own free will have signed and executed the consent terms. It is also stated that all parties shall be acting in accordance with the aforesaid consent terms.

6 In para-17, it has been agreed between the parties that in a suit for partition initiated by Petitioner No.1, and pending on the original side of this Court, appropriate consent terms shall be placed on record and consent partition decree will be entrusted to be drawn. Since the said statement is made by the Petitioners,

Respondent No.2-complainant and also Mahesh Sudhakar Kale and Seema Chetan Tambe, the same is accepted as an undertaking to this Court.

7 As the issue is resolved in between the parties in relation to the distribution of the properties, Respondent No.2-mother is extending consent for quashing of the criminal proceedings. The said fact is duly verified by learned APP from Respondent No.2. Respondent No.2 is extending her consent for quashing. That being so, the present Petition stands allowed in terms of prayer clause - (a), particularly, having regard to consent extended by Respondent No.2 based on the settlement arrived at between the parties to the Petition so also other blood relations.

8 As jointly requested by all parties, the settlement terms which are submitted by the Mediator along with the mediation report shall bear today's date, i.e. 10 October 2023.

9 The compromise which is arrived between the parties, which is signed by appropriate four persons and also by their respective Counsel, taken on record and compromise date is given as executed on 10 October 2023.

10 The Writ Petition is disposed of accordingly.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)