

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1108 OF 2023

Aarti Swapnil Borge @ Aarti Vilas Choudhari ... Applicant

Versus

The State of Maharashtra and others ... Respondents

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Mr. Rahul Kadam for the Applicant.

Ms. M.M. Deshmukh, APP for the State.

Mr. Pratik Shinde for Respondent Nos.3 to 7.

Applicant and Respondent No.3 present.

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

DATED : 12th DECEMBER 2023

P.C. :-

. Leave to amend the title clause and prayer in the Application. Amendment to be carried out immediately.

2. The Applicant is the original complainant who has lodged the First Information Report (FIR) dated 10th July 2022 with Navghar Police Station for offences under Sections 498A, 406, 323, 504 r/w. 34 of Indian Penal Code.

3. Respondent No.3 is the husband of the Applicant, Respondent Nos.4 to 7 are the family members of Respondent No.3. All of them are impleaded as accused in the impugned FIR.

4. The parties have resolved the dispute. The Applicant and Respondent No.3 have filed a Petition for divorce by mutual consent before the Family Court at Bandra. Consent Terms are executed between them which indicate that the Respondent No.3 shall give an amount of Rs.8,50,000/- to the Applicant herein being the lumpsum alimony in the

manner stipulated in clause (v) of the Consent Terms. The payment is to be made in three parts. Rs.2,50,000/- are to be paid by way of demand draft to the Applicant on the date of filing of the Petition for divorce by mutual consent. The said amount has been parted to the complainant. Respondent No.3 is required to pay Rs.3 lakhs by way of demand draft to the Applicant after withdrawing the present case and further amount of Rs.3 lakhs on the date of final hearing of Petition for divorce by mutual consent. The said amount is not yet parted to the complainant and it is agreed that the said amount will be given to the complainant during the course of the day.

5. The Consent Terms further indicate that in view of settlement between the parties, the complainant has consented for quashing the impugned proceedings.

6. Considering the fact that the dispute had arisen on account of matrimonial discord and the parties have settled the dispute and executed the consent terms, the relief sought in the Application can be granted.

ORDER

- (i) The Criminal Application is allowed.
- (ii) Criminal Proceedings No. 112/PW/2023 pending before the Metropolitan Magistrate, 27th Court at Mulund are quashed and set aside.
- (iii) Respondent No.3 shall adhere to the consent terms and part with lumpsum alimony as per consent terms.

KANCHAN
PRASHANT
DHURI

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(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)