

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

**CRIMINAL WRIT PETITION NO. 5036 OF 2021
WITH
INTERIM APPLICATION NO. 10 OF 2023**

Nikhil Dilip Wakchaure and Ors. ...Petitioners/Applicants

Versus

The State of Maharashtra and Anr. ...Respondents

Mr. Avinash B. Avhad, Advocate for Petitioner/Applicant.

Mr. Himanshu Kode a/w Ms. Janhavi Karnik, Advocate for Respondent No.2.

Ms. Kushboo W. Ahire, Present in Person (Respondent No.2).

Mrs. Geeta P. Mulekar, APP for the Respondent–State.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.**

DATE : 21st MARCH, 2023.

P.C. :-

1. Petitioners has preferred this Petition challenging the First Information Report (for short 'FIR') dated 18th August, 2021 registered with Nerul Police Station vide C.R. No.294 of 2021 for offence under Sections 498-A, 377, 323, 504 and 506 of Indian Penal Code (for short 'IPC'). The FIR was registered by Respondent No.2.

2. Petitioner No.1 is the husband of Respondent No.2. Petitioner No.2 is the mother-in-law and Petitioner No.3 is the father-in-law of Respondent No.2.

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3. The first informant has alleged that, her marriage was solemnized with Petitioner No.1 on 19th May, 2020. After the marriage, she was illtreated by accused. She was harassed for not giving dowry in the marriage. She was assaulted by Petitioner No.1. He left for Canada without taking Respondent No.2 with him. The accused caused physical and mental cruelty to Respondent No.2.

4. During the pendency of this Petition, the charge-sheet was filed and proceedings were numbered as Criminal Case No. RCC 503/2022. The proceedings are pending before learned 4th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Vashi. Interim Application No.10 of 2023 is preferred for seeking leave to amend the Petition to challenge charge-sheet/proceedings.

5. Learned Advocate for Petitioner submitted that, during the pendency of this Petition, the Petitioners and Respondent No.2 have amicably settled the disputes and filed their compromise memo and consent terms in the Lok-Nyayalaya held on 11th February, 2023 in Criminal M.A. No.292 of 2021 filed under Domestic Violence Act before the learned 5th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Vashi Court at Belapur. As per consent terms, it is agreed between the parties that, they will withdraw the cases

mentioned and decided by mutual consent. Petitioners have paid an amount of Rs.17,50,000/- (Seventeen lakh fifty thousand) to Respondent No.2 and she has withdrawn the Criminal M.A. No.292 of 2021. The Respondent No.2 has agreed that, she has no objection if the FIR bearing no. 294 of 2021 and RCC No.503 of 2022 are quashed and that, she would co-operate in quashing the proceedings. Petitioners have filed affidavit before this Court referring the aforesaid facts. The compromise pursis filed on behalf of Petitioner No.1 and Respondent No.2 are placed on record with said affidavit.

6. Learned Advocate for Respondent No.2 submitted that, on account of settlement between the parties, the Respondent No.2 has no objection for quashing the impugned proceedings. The Respondent No.2 is present in the Court and she has confirmed the contents of affidavit filed by her in support of prayers in this Petition. She has no objection for quashing the impugned proceedings. From the documents on record, it is apparent that, parties have arrived at amicable settlement. They have executed terms of settlement. The Respondent No.2 has filed an affidavit and consented for quashing the proceedings. In view of these circumstances, the prayers sought in this Petition can be allowed.

7. The FIR registered with Nerul Police Station vide C.R. No.294 of 2021 has culminated in charge-sheet and proceedings are now numbered as RCC No.503 of 2022 pending in the Court of learned 4th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Vashi.

8. Petitioners are permitted to amend the Writ Petition to challenge proceedings in RCC No.503 of 2022. Amendment may be carried out forthwith.

ORDER

i. The proceedings in RCC No.503 of 2022 pending in the Court of learned 4th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Vashi are quashed and set aside.

ii. Criminal Writ Petition No.5036 of 2021 and Interim Application No.10 of 2023 stand disposed off.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]