

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

CRIMINAL WRIT PETITION NO.5048 OF 2021

Paul Berjon Scott
and others

..... Petitioners

Versus

Rajeshwari Pillai
and another

.... Respondents

Mr. Yash Momaya, Advocate i/b. Chowdhari Moinuddin for
the Petitioners.

Ms. Meenaz Mozawala, Advocate for the Respondent No.1.

Mr. Arfan Sait, APP for the Respondent No.2-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 13th JUNE, 2023

P.C. :

1. Heard Mr. Yash Momaya, learned counsel for the
Petitioners, Ms. Meenaz Mozawala, learned counsel for the
Respondent No.1 and Mr. Arfan Sait, learned APP for the
Respondent No.2-State.

2. This is a Petition for quashing the proceedings
pending before the Metropolitan Magistrate, 9th Court,

Bandra, Mumbai vide Case No.900160/DV/2021. The Petitioner No.1 is the husband of the Respondent No.1. The other Petitioners are his relatives i.e. his parents and sisters.

3. Both learned counsel state that the matter is amicably settled between the parties. They have tendered the consent terms dated 13.6.2023, which is taken on record and marked 'X' for identification. The consent terms are affirmed before the Notary.

4. The Petitioner No.1 is present before the Court and he is identified by his counsel. The Respondent No.1 is also present in the Court and she is also identified by the Counsel representing her today before the Court. Her identity was further verified with the help of her Aadhaar Card, which after verification, is returned to her.

5. The consent terms dated 13.6.2023 tendered before the Court today mentions that the parties had agreed to resolve all the disputes, differences, claims, counter-claims, allegations and counter-allegations against one

another and also against their respective family members including the Petitioners herein. A reference is made to the consent terms dated 13.6.2023 filed in Criminal Writ Petition No.1082/2022. Paragraph-3 of the consent terms dated 13.6.2023 filed in this Petition mentions that the proceedings under the Protection of Women from Domestic Violence Act, 2005 pending before the Metropolitan Magistrate, 9th Court, Bandra, Mumbai be quashed.

6. In the consent terms which is tendered in this Petition, the reference to the consent terms filed in Criminal Writ Petition No.1082/202 is important. In paragraph-5(b) thereof, there is a reference to the present Criminal Writ Petition No.5048/2021 and to the agreement of both the parties to quash these proceedings which are the subject matter of this Petition. Paragraph-6(a) mentions that a demand draft of Rs.1 Lakh dated 8.6.2023 issued by ICICI Bank in favour of the Respondent No.1 would be handed over to her upon filing of the consent terms in the present Writ Petition. Accordingly, said demand draft is handed over

to the Respondent No.1 in the Court itself.

7. Considering all these developments, in the interest of justice, the Petition can be allowed and the proceedings which are the subject matter of this Petition can be quashed.

8. Hence, the following order:

:: O R D E R ::

- i. The proceedings arising out of Case No.900160/DV/2021 pending before the Metropolitan Magistrate, 9th Court at Bandra, Mumbai registered against the Petitioners at the instance of the Respondent No.1 under various Sections of the Protection of Women from Domestic Violence Act, 2005 are quashed and set aside.
- ii. The Petition is disposed of accordingly.

(SARANG V. KOTWAL, J.)