

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.1068 OF 2023**

Mr. Shekhar Laxminarayan Suppala and Ors. ...Petitioners

V/s.

The State of Maharashtra and Ors. ...Respondents

Mr. Suresh Barne for Petitioners.

Mr. Ajay Patil, A.P.P. for the Respondent-State.

Ms. Deepali P. Bhoir, for Respondent No.3.

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

DATE : 24th MARCH, 2023.

PC.:-

. Rule. With the consent of both the parties rule is made returnable forthwith.

2. The Petitioners and Respondent No.3 have jointly stated that, the Criminal Proceedings in R.C.C. No.2669 of 2021 pending before the Court of 2nd Joint Civil Judge Junior Division/Judicial Magistrate First Class, Thane under Sections 498-A, 406, 323 and 504 read with Section 34 of the Indian Penal Code (for short 'IPC') arising out of C.R.No.143 of 2020 may be quashed.

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

No.4 is husband of Petitioner No.5, Petitioner No.5 is the sister-in-law of Respondent No.3. Petitioner No.6 is the maternal aunt of Petitioner No.1 and Petitioner No.7 is the maternal uncle of Petitioner No.1.

4. The FIR was registered with Mumbra Police Station, District Thane, on 03.02.2020 vide C.R. No.133 of 2020 for offences under Sections 498-A, 406, 323, 504 read with Section 34 of IPC. Respondent No.3 had alleged that, after her marriage with Petitioner No.1, the Petitioner No.1 and his relatives had subjected her to cruelty and misappropriated her ornaments. On completing investigation charge-sheet is filed before the Competent Court and the proceedings are pending before the Court vide R.C.C. No.2669 of 2021.

5. The Petitioner No.1 filed divorce Petition before the Family Court, Thane being Marriage Petition No. A/508/2021. The Petitioner No.1 and Respondent No.3 decided to settle the matter. The 'Consent Terms' were signed by them. It was agreed that, Petitioner No.1 shall pay amount of Rs.3,50,000/- towards permanent alimony to Respondent No.3. The Petitioner No.1 deposited the amount of Rs.3,50,000/- before Family Court by Demand Draft dated 10.11.2022. The Respondent No.3 agreed to cooperate in quashing proceeding in R.C.C. No.2669 of 2021.

6. Learned Advocate for the Petitioners and Respondent No.3 submitted that, the parties have arrived at amicable settlement and the impugned proceedings can be quashed with the consent of Respondent No.3. It is also

submitted that, the 'Consent Terms' for divorce were executed between the Petitioner No.1 and Respondent No.3 in Marriage Petition No.A-508 of 2021 pending before the Family Court at Thane. Respondent No.3 has filed an Affidavit in this proceedings and consented for quashing the proceedings in R.C.C. No.2669 of 2021 pending before the Court of 2nd Joint Civil Judge Junior Division/Judicial Magistrate First Class, Thane.

7. Respondent No.3 is present in the Court. She has confirmed the contents of 'Consent Terms' and the Affidavit filed by her before this Court.

8. The proceedings are arising out of matrimonial discord between the parties. As per the 'Consent Terms' filed before the Family Court at Thane, the Respondent No.3 has stated that, after depositing the amount mentioned in Clause-5 of the 'Consent Terms' by the Petitioner No.1, the Respondent No.3 shall withdraw the proceedings initiated by her including R.C.C. No.2669 of 2021 and that, the Respondent No.3 will cooperate in quashing the Criminal case in the proceedings initiated by Petitioner No.1. Respondent No.3 has also filed an Affidavit before this Court. Paragraph - 19 of the said Affidavit records that, she has no objection to quash the FIR and charge-sheet in R.C.C. No.2669 of 2021 pending before the Court of 2nd Joint Civil Judge Junior Division/Judicial Magistrate First Class, Thane.

9. Considering the nature of proceedings and the fact that, the parties have arrived at amicable settlement, the impugned proceedings can be quashed.

Hence, the following Order :-

ORDER

I) Criminal Proceedings in R.C.C. No.2669 of 2021 pending before the Court of 2nd Joint Civil Judge, Junior Division, Thane are quashed and set aside.

ii) Rule is made absolute in terms of prayer Clause (b).

iii) Petition stands disposed off accordingly.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)