

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1385 OF 2023

Manda Sunil Harihar And Ors.

...Petitioners

Versus

State Of Maharashtra And Anr.

...Respondents

WITH

CRIMINAL WRIT PETITION (ST) NO. 23023 OF 2023

Tushar Sunil Harihar

...Petitioner

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Rahul Arote Advocate for Petitioners in both petitions.

Mr. Akshay Bankapur Advocate for Respondent No.2.

Mrs.S. D. Shinde, APP for Respondent State inWpst/23023/2023.

Mrs.M. M. Deshmukh, APP for Respondent-State in WP/1385/2023.

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

DATE : 20th DECEMBER 2023

P.C.:-

1. The proceedings which are subject matter of charge-sheet in both the petitions are initiated at the instance of Respondent No.2, who is the wife of Petitioner No.7 in Criminal Writ Petition No. 1385 of 2023 and Petitioner in Criminal Writ Petition (ST) No. 23023 of 2023.

2. Criminal Writ Petition No. 1385 of 2023 pertains to the FIR dated 10th November 2023 registered with Phaltan Police Station vide C.R. No. 798 of 2022 for offences under Sections 498-A, 323, 504, 506 read with 34 of the

Indian Penal Code, 1860. Petitioner No.7 is the husband of Respondent No.2. The Petitioner Nos. 1 to 6 are relatives of Petitioner No.7.

3. Criminal Writ Petition (ST) No. 23023 of 2023 pertains to FIR dated 23rd February 2022 registered with Dapoli Police Station, Ratnagiri vide C.R. No. 30 of 2022 for offences under Sections 376, 377, 323, 504, 506 of the Indian Penal Code, 1860 and Sections 66(E) and 67 of the Information Technology Act, 2000. FIR has been registered at the instance of Respondent No.2 (wife of Petitioner No.7).

4. The parties have resolved their differences and they have executed consent terms. The copy of consent terms is taken on record. As per the consent terms, the Petitioner No.7 and Respondent No.2 have settled the dispute between them and have decided to mutually part ways and obtain a decree of divorce from each other. The Petitioner No.7/ husband and Respondent No.2 have agreed upon one time alimony of 11,00,000/- to be paid to the complainant/respondent No.2. The said amount has been deposited in the Registry of this Court in pursuance of order dated 1st November 2023 passed in Criminal Writ Petition No. 1385 of 2023. The complainant has no objection for quashing the proceedings which are subject matter of both proceedings. The complainant/respondent No. 2 and Petitioner No.7 are present in the Court. The complainant has stated that she has no objection for quashing the proceedings. Consent affidavits are filed by complainant. The affidavits are taken on record. In both Consent

Affidavits it is stated that impugned FIR registered against the Petitioners in both petitions along with charge-sheet which is subject matter of Criminal Writ Petition (ST) No. 23023 of 2022 can be quashed.

5. Considering the fact that parties have resolved their differences and decided to mutually part ways, the relief sought in this petition can be granted.

ORDER

- (i) Criminal Writ Petition No.1385 of 2023 is allowed.
- (ii) The impugned proceedings in FIR dated 10th November 2023 registered with Phaltan Police Station vide C.R. No. 798 of 2022 are quashed and set aside.
- (iii) Criminal Writ Petition (ST) No. 23023 of 2023 is allowed.
- (iv) The impugned proceedings in R.C.C. No. 23 of 2022 pending before the learned JMFC, Dapoli arising out of C.R. No. 30 of 2022 registered with Dapoli Police Station are quashed and set aside.
- (v) The complainant/Respondent No.2 is permitted to withdraw the amount of Rs.11,00,000/- which has been deposited in this Court by the petitioner.
- (vi) Petitions stand disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)