

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (APL) NO. 438 OF 2024

1. Yogesh Rajaram Isawe

2. Neha Varun Pal (or Neha Isawe)

...Applicants

Versus

1. The State of Maharashtra

2. Shweta Yogesh Issawe

(Shweta Mahadev Agawane)

...Respondents

....

Mr. Mayur Salunke, Advocate for the Applicants.

Mr. V. A. Kulkarni, APP for the Respondent– State.

Ms. Saili N. Dhuru, Appointed Advocate for Respondent No.2.

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

DATE : 2nd APRIL 2024

P.C.:-

1. Not on board. Taken on board.
2. The applicants challenges the FIR dated 14th September 2020 registered with Vijapur Naka Police Station, Solapur City vide C.R. No. 915 of 2020 for offences under Sections 498-A, 323, 504 of the Indian Penal Code, 1860.
3. The FIR has been registered by Respondent No.2. It was alleged that, marriage between complainant and Applicant No.1 was performed on 13th

December 2018. Pursuant to marriage, the complainant was ill-treated. She was abused and assaulted. There was demand of gold.

4. Applicant No.1 is husband, Applicant No.2 is sister-in-law of Respondent No.2.

5. Parties have settled the dispute. Consent terms are executed. The complainant is present in the Court. She has represented by Advocate. She has no objection for quashing the FIR.

6. Respondent No.2 has filed affidavit along with consent terms. The contents of affidavit indicate that, she has filed complaint under the domestic violence Act which is pending in the Court at Solapur. The applicant No.1 has filed petition for divorce in the family Court at Pune. Parties have agreed to dissolve the marriage with divorce by mutual consent. The complainant's husband has agreed to pay permanent alimony in the sum of Rs.20 lakhs which has been deposited in the Family Court at Pune. As per consent terms, the complainant should co-operate for quashing the FIR. Charge-sheet is not filed. The consent terms signed by applicant No.1 and respondent No.2 it is stated that, both the parties agreed to withdraw all the allegations against each other. The applicant No.1 to pay Rs.20 lakhs to the complainant. The articles to be returned to the complainant. The proceedings under the domestic violence Act are to be withdrawn by the complainant. Demand draft of Rs.20 lakhs is deposited. The complainant shall be entitled to withdraw the amount after

compliance done by the parties. Affidavit and consent terms are taken on record.

7. In view of settlement between the parties and nature of dispute, the FIR deserves to be quashed.

ORDER

- (i) Criminal Application (APL) No.438 of 2024 is allowed;
- (ii) The impugned FIR dated 14th September 2020 registered with Vijapur Naka Police Station, Solapur City vide C.R. No. 915 of 2020 is quashed and set aside against the Applicants.
- (iii) Application stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)