

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (APL) NO. 02 OF 2024

1. Mr. Pravin Chintaman Gade
2. Mrs. Vandana Chintaman Gade
3. Mr. Chintaman Daulat Gade
4. Mrs. Darshana Dnyaneshwar Bendkule
5. Mr. Dnyaneshwar Malhari Bendkule
6. Mr. Pramod Murlidhar Sonawane **...Applicants**
Versus
1. The State of Maharashtra
2. Mrs. Arti Pravin Gade **...Respondents**

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Mr. Prayag Dholekar a/w Mr. Sanjay D. Shambharkar and Sunitha Perumal, Advocate for the Applicants.

Ms. K. T. Hivrale, APP for Respondent-State.

Mr. Tanmay Bhawe for Respondent No.2.

PSI Shekhar Pawar, RAK Marg Police Station, Mumbai is present.

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

DATE : 28th MARCH 2024

P.C.:-

1. The Applicants have approached this Court for quashing the FIR dated 21st April 2023 registered with R. A. Kidwai Marg Police Station, Mumbai vide C.R. No. 129 of 2023 for offences under Sections 498-A, 354-A, 406, 324, 323, 509, 506, 504 read with 34 of the Indian Penal Code, 1860.

2. The FIR was registered at the instance of Respondent No.2. The Applicant No.1 is husband, Applicant No.2 is mother-in-law, Applicant No.3 is father-in-law, Applicant No.4 is sister-in-law of Respondent No.2. Applicant No.5 is husband of Applicant No.4 and Applicant No.6 is maternal uncle of Applicant No.1.

3. Marriage between the Applicant No.1 and Respondent No.2 was solemnized on 29th December 2019. The complainant had alleged that the accused had ill-treated her on account of demand of dowry. She was abused, humiliated and assaulted. Ornaments belonging to her were misappropriated.

4. Respondent No.2 had also initiated the proceedings under the Domestic Violence Act, viz.C.C. No. 139/DV/2022.

5. The Applicant Nos.1 to 5 had preferred an application for anticipatory bail in C.R. No. 129 of 2023. The matter was referred for mediation and with able assistance of the Mediator, the parties has arrived at mutual understanding and consent terms were executed before the learned Mediator Court on 1st August 2023. On the basis of consent terms, the application for anticipatory bail preferred by Applicant Nos. 1 to 5 was allowed vide order dated 4th August 2023.

6. In view of settlement between the parties, the respondent No.2 preferred an application before the Court of learned Metropolitan Magistrate, 13th Court, Dadar, Mumbai for withdrawal of complaint filed by her under the Domestic Violence Act. The pursis were filed in the said proceedings stating that the parties have reached mutual understanding and consent terms were executed on 1st August 2023. Learned Metropolitan Magistrate vide order dated 13th September 2023 allowed the application for withdrawal of the complaint and the proceedings were allowed to be withdrawn as there is settlement between the parties.

7. Consent terms were executed on 1st August 2023. The copy of consent terms is annexed to this application. In the consent terms it has been stated that, the applicant No.1(husband) has agreed to pay to Respondent No.2 (wife) a lump sum amount of Rs.15 lakhs by full and final settlement to the Respondent No.2/complainant. Respondent No.2 had agreed to withdraw the proceedings under the Domestic Violence Act. Consent terms also stipulates the time and manner in which the amount towards final settlement is to be given to Respondent No.2. The applicant No.1 agreed that the amount of Rs.2 lakhs by way of initial installment was paid to complainant vide Demand Draft dated 3rd August 2023 on 8th April 2023. Subsequently the amount of Rs.6 lakhs was parted to the complainant vide demand draft dated 28th August 2023 on 29th August

2023. Acknowledgment signed by Respondent No.2 are annexed to this application. The complainant had also issued acknowledgment dated 29th August 2023 stating that, she has received the golden ring which was given to her during marriage along with the jewelers authentication certificate. The complainant also received an amount of Rs. 3 lakhs vide demand draft dated 31st October 2023 on 1st November 2023 as per consent terms.

8. It is jointly submitted by both the sides that, the dispute has been amicably settled. The complainant has no objection for quashing the impugned FIR. The amount of Rs.11 lakhs has been received by respondent No.2 and it is agreed that the balance amount of Rs.4 lakhs is to be given to Respondent No.2 on the date of passing the decree of divorce by the concerned Court.

9. Respondent No.2/complainant is present in the Court. She has filed affidavit of consent for quashing the FIR, stating that the dispute between Applicants and Respondent No.2 have been amicably settled. She has no objection to quash the FIR dated 21st April 2023 registered with R. A. Kidwai Marg Police Station, Mumbai. The Affidavit is taken on record.

10. FIR is registered on account of matrimonial discord between the parties. The disputes are amicably settled. In view of settlement, the impugned FIR is required to be quashed.

ORDER

- (i) Criminal Application (APL) No. 02 of 2024 is allowed;
- (ii) The impugned FIR dated 21st April 2023 registered with R. A. Kidwai Marg Police Station, Mumbai vide C.R. No. 129 of 2023 is quashed and set aside.
- (iii) Application stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)