

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

CRIMINAL APPLICATION NO. 10 OF 2024

Ashwin Ashok Darge And Anr. ...Applicants
Versus
Aditi Ashwin Darge And Anr. ...Respondents

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Mr. Samarth Karmarkar a/w Ms. Priti Rita i/by Karmarkar & Associates,
Advocate for the Applicants.

Adv. Jannat Yadav, Advocate for Respondent No.1.

Mrs. M.M.Deshmukh, Addl.APP for the Respondent – State.

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

DATE : 8th MARCH, 2024.

P.C.:

1. The Applicants are challenging the proceedings in C.C. No.307/PW/2020 pending before the Court of learned Metropolitan Magistrate 53rd Court at Mulund, Mumbai arising out of First Information Report (for short 'FIR') dated 25th March, 2019 registered with Bhandup Police Station vide C.R. No.153 of 2019 for offences under Sections 498-A, 323, 406, 420, 509 r/w 34 of Indian Penal Code (for short 'IPC'). Apparently, the charge-sheet is filed only for offence under Section 498-A r/w 34 of IPC.

2. The FIR was registered at the instance of Respondent No.1. The parties have resolved the dispute by amicable settlement

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and executed consent terms. The Applicant No.1 has filed the Petition No. A-1008 of 2018 at Family Court at Bandra, Mumbai in which the consent terms for mutual consent divorce were filed. It was agreed that by way of permanent alimony an amount of Rs.12,00,000/- is to be paid to Respondent No.1. The said amount has been deposited in the Family Court. The Petition for divorce by mutual consent is pending. The amount of Rs.12,00,000/- is parted to Respondent No.1 at the time of pronouncement of decree passed by the Family Court in the Petition for divorce by mutual consent.

3. The Respondent No.1 is present in the Court. She has filed affidavit of consent. She has no objection for quashing the impugned proceedings in view of amicable settlement. The affidavit is taken on record.

4. Considering the fact that the parties have resolved the dispute which had occurred on matrimonial discord between the parties, impugned proceedings can be quashed.

ORDER

- i. Criminal Application No.10 of 2024 is allowed;
- ii. The proceedings in C.C. No.307/PW/2020 pending before the Court of learned Metropolitan Magistrate 53rd Court at Mulund, Mumbai arising out of FIR dated 25th March, 2019

registered with Bhandup Police Station vide C.R. No.153 of 2019 are quashed and set aside.

iii. Application stands disposed off accordingly.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)