

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 856 OF 2024

- 1. Mr. Durgesh Kumar Chaubey**
- 2. Mr. Abhyanand Brahmadev Chaubey**
- 3. Mrs. Pramila Abhyanand Chaubey**
- 4. Mrs. Kalpana Omprakash Dubey**
- 5. Mr. Ratnesh Kumar Chaubey**

...Petitioners

Versus

- 1. The State of Maharashtra**
- 2. Mrs. Rakhi Durgesh Chaubey**

...Respondents

....

Mr. Prashant Pawar, Advocate for the Petitioner.

Mr. Anand S. Shalgaonkar, APP for the Respondent – State.

Mr. Sagar Joshi Advocate for Respondent No.2.

API Manish Pote, Kasarvadavli Police Station is present.

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

DATE : 15th MARCH 2024

P.C.:-

1. The petitioners are challenging the Criminal Proceedings in RCC No. 4318 of 2022 pending before the learned 9th Joint Civil Judge and Judicial Magistrate First Class, Thane. Charge-sheet was filed pursuant to the FIR registered with Kasarvadavli Police Station, Thane on 10th August 2022 vide C.R. No.297 of 2022, for offences under Sections 498-A, 406, 323, 504 read

with 34 of the Indian Penal Code, 1860. The FIR was registered at the instance of Respondent No.2.

2. Petitioner No.1 is husband, petitioner No.2 is father-in-law, petitioner No.3 is mother-in-law, petitioner No.4 is sister-in-law and petitioner No.5 is brother-in-law of Respondent No.2.

3. Parties have settled the dispute. The complainant is present in the Court. She is represented by Advocate. She has filed affidavit. She has no objection for quashing the proceedings as there is settlement between the parties. Divorce petition for dissolution of marriage is filed by petitioner No.1. It is agreed to dissolve the marriage.

4. In the affidavit of Respondent No.2 it is stated that, the marriage petition bearing No.F-587 of 2023 has been filed for divorce by mutual consent between petitioner No.1 and complainant. It is filed before the Family Court at Thane. Dispute is resolved amicably. Towards alimony, the petitioner No.1 has agreed to pay Rs.9 lakhs to her and that she has received the said amount vide D.D. No. 232922 dated 12th March 2024 drawn on Canara Bank, Bhatpar Rani Branch, Devariya, Uttar Pradesh. She do not wish to proceed with the complaint. The FIR lodged by her may be quashed. Affidavit is taken on record.

5. Thus, the parties have resolved the dispute and differences were on account of matrimonial discord between them and complainant has no objection for quashing the proceedings, the impugned proceedings can be quashed.

ORDER

- (i) Criminal Writ Petition No.856 of 2024 is allowed;
- (ii) The impugned Criminal Proceedings in RCC No. 4318 of 2022 pending before the learned 9th Joint Civil Judge and Judicial Magistrate First Class, Thane arising out of FIR dated 10th August 2022 vide C.R. No.297 of 2022 registered with Kasarvadavli Police Station, Thane is quashed and set aside.
- (iii) Writ Petition stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)