

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

CRIMINAL WRIT PETITION NO. 764 OF 2024

Sanjay Mahendra Chauhan ...Petitioner
Versus
Kiran Sanjay Chauhav And Anr. ...Respondents

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Mr. Dheeraj Dwivedi i/by Mr. Pankaj Dwivedi, Advocate for the Petitioner.

Ms. S.E. Phad, APP for the Respondent – State.

Mr. Bhavesh Vishwakarma, Advocate for Respondent No.1.

Mr. Bharat Rane (Pairavi), PSI, Kandivali Police Station, Mumbai.

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

DATE : 19th MARCH, 2024.

P.C.:

1. Vide Order dated 11th March, 2024, the Petitioner was granted leave to amend. The amendment could not be carried out. The Petitioner is permitted to amend the Petition forthwith to implead Accused Nos.2 to 5 as Petitioners.

2. The Petitioners are challenging the proceedings in C.C. No.4223/PW/2023 pending before the Court of learned Metropolitan Magistrate 17th Court, Borivali, Mumbai. The proceedings are arising out of First Information Report (for short 'FIR') dated 22nd December, 2018 registered with Kandivali Police

Station vide C.R. No.651 of 2018 for offence under Sections 498-A, 504, 506, 406, 323 r/w 34 of Indian Penal Code (for short 'IPC').

3. The Petitioner No.1 is the husband, Petitioner Nos.2 to 5 are relatives of Petitioner No.1.

4. There is settlement between the parties. The consent terms are executed between them. The complainant has no objection for quashing the proceedings against Petitioners. The complainant is present in the Court. She has asserted that she has no objection for quashing the proceedings.

5. We have perused the consent terms executed by the Petitioner No.1 and Respondent No.2 before the Family Court in petition for mutual consent divorce. The consent terms indicate that the Petitioner/husband has agreed to give Rs.3,00,000/- towards lumpsum alimony to wife and that she had agreed to withdraw the proceedings under the Domestic Violence Act and criminal proceedings registered for offence under Section 498-A of IPC. The Petitioner No.1 has agreed to return the gold chain to Respondent No.2. In the affidavit file by Respondent No.2, it is stated that the dispute has been settled. She is giving her consent for quashing the proceedings against all the accused. The sum of Rs.3,00,000/- was deposited in the Family Court, which has been

withdrawn by complainant. Considering the nature of dispute and since it is settled between the parties, the proceedings can be quashed.

ORDER

- i. Criminal Writ Petition No. 764 of 2024 is allowed;
- ii. The proceedings in C.C. No.4223/PW/2023 pending before the Court of learned Metropolitan Magistrate 17th Court, Borivali, Mumbai arising out of First Information Report dated 22nd December, 2018 registered with Kandivali Police Station vide C.R. No.651 of 2018 are quashed and set aside.
- iii. Petition stands disposed off accordingly.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)