

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 851 OF 2024

Anuj Sajjan Kumar Nirmal and Anr. ... Petitioners

Versus

The State of Maharashtra and Anr. ... Respondents

Mr. Uttam Rane, Advocate for the Petitioners.
Ms. Sneha Sharma, Respondent No. 2 present in person.
Mr. V.A.Kulkarni, APP, for the State.

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

DATED : 15.03.2024

P.C. :-

Petitioners are challenging the FIR dated 30.06.2018 registered with Navghar police station vide Crime No. 246 of 2018 for offence under Sections 498-A, 406, 323, 504, 506 of the Indian Penal Code. The FIR was registered at the instance of respondent No.2.

2. Petitioner No. 1 is the husband and petitioner No. 2 is father-in-law, petitioner No. 3 is the mother-in-law, petitioner no.4 is the brother-in-law, petitioner Nos.5 & 6 are the sisters-in-law of respondent No. 2. The marriage was solemnized on 23.11.2015.

This order is corrected pursuant to the speaking to minutes of the order dated 22.03.2024.

3. The petitioner No.1 filed Marriage Petition No. 192 of 2018 before the Court of Civil Judge, Senior Division, Thane for dissolution of marriage. During pendency of marriage petition, both have arrived at amicable settlement. Consent Terms were executed on 23.11.2023. The Consent Terms were filed in marriage petition.

4. The Consent Terms indicate that, it is agreed between petitioner No.1 and respondent No.2 that, the petitioner No.1 shall pay sum of Rs.9,50,000/- byway of alimony towards full and final settlement to respondent No.2. It was agreed that petitioner No.1 shall deposit Rs.6 lakhs before learned Civil Judge, Senior Division, Thane in Marriage Petition No. 192 of 2018. The respondent No.2 shall withdraw Rs.6 lakhs after quashing impugned FIR. The petitioner No.1 shall consent to application filed by respondent No.2 for withdrawal of Rs.3,50,000/- deposited by petitioner No.1 in Writ Petition No.10185 of 2022. It was also agreed that the petitioners shall handover ornaments to respondent No.2. The respondent No.2 had agreed to withdraw proceedings mentioned in Consent Terms. The marriage has been dissolved by mutual consent.

5. Complainant/ respondent No. 2 is personally present in the Court. She has produced documents of her identity. She has stated that she has no objection for quashing the FIR.

6. Considering the fact that the dispute was on account of matrimonial discord between the parties, which has been

settled and consent terms are executed between parties and respondent No. 2 has filed affidavit of consent, impugned FIR can be quashed.

ORDER

- (i) Writ Petition is allowed.

- (ii) The FIR dated 30.06.2018 registered with Navghar police station vide Crime No. 246 of 2018 for offence under Sections 498-A, 406, 323, 504, 506 of the Indian Penal Code is quashed and set aside.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)