

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 386 OF 2024

1. Tushar Dhiraj Malhotra
2. Dhiraj Narendra Malhotra
3. Sunita Dhiraj Malhotra

...Applicants

Versus

1. State of Maharashtra
2. Mrs. Dhruvi Anand Malhotra

...Respondents

....

Mr. Neeraj Yadav a/w Deepa Punjari, Advocate for the Applicants.

Mr. Neel Pardikar a/w Aditya Pratap Advocate for Respondent No.2.

Mr. V. A. Kulkarni, APP for the Respondent – State.

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

DATE : 19th APRIL 2024

P.C.:-

1. Not on Board. Taken on Board.
2. The applicants are prosecuted for offences under Sections 498-A, 406, 500, 323, 504 read with 34 of the Indian Penal Code, 1860. The FIR was registered on 23rd December 2021 with Sion Police Station, Mumbai vide C.R. No. 548 of 2021.
3. The applicant No.1 is husband, applicant No.2 is father-in-law, applicant No.3 is mother-in-law of Respondent No.2.

4. Parties have settled the dispute. Consent terms are executed. As per consent terms, it is agreed between applicant No.1 and respondent No.2 that the marriage to be dissolved with mutual consent. The applicant No.1 has also agreed to pay permanent alimony of Rs.10,00,000/- to respondent No.2. The amount of Rs.8,00,000/- is already given to the Respondent No.2 and the balance amount of Rs.2,00,000/- would be given at the final decree of divorce passed by the Family Court.

5. The applicant No.1 and 3 are present in the Court. The complainant is also present in the Court. She is represented by Advocate. She has filed Affidavit dated 16th April 2024 consenting for quashing the impugned proceedings. In the affidavit it is stated that, the dispute has been settled and she has agreed to withdraw the complaint and grievance against Applicants.

6. Considering the nature of dispute and the fact that the parties have resolved their differences and executed consent terms, the proceedings can be quashed.

ORDER

- (i) Criminal Application (APL) No. 386 of 2024 is allowed;
- (ii) The impugned proceedings in C.C. No. 5102998/PW/2022 pending before the learned Metropolitan Magistrate, 51st Court at Kurla, Mumbai

arising out of FIR dated 23rd December 2021 registered with Sion Police Station, Mumbai vide C.R. No. 548 of 2021 is quashed and set aside.

(iii) Application stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)