

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.767 OF 2024**

- | | | |
|--------|---------------------------|----------------|
| 1. | Pankaj V. Wanjarkhedkar | |
| 2. | Parag V. Wanjarkhedkar | |
| 3. | Kalpana V. Wanjarkhedkar | |
| 4. | Vijaykumar Wanjarkhedkar | |
| 5. | Pranjali P. Wanjarkhedkar | ...Petitioners |
| Versus | | |
| 1. | State of Maharashtra | |
| 2. | XXX | ...Respondents |

Mr. Sachin Dhakephalkar a/w. Mr. Santosh Baravkar for the Petitioners.

Mr. A.S. Shalgaonkar, APP for the Respondent.

Mr. Sudatta Patil a/w. Prajay Kutkar for Respondent No.2.

**CORAM : PRAKASH D. NAIK &
N. R. BORKAR, JJ.
DATE : 08.03.2024.**

PC:-

1. Not on board. This petition is moved for quashing the first information report (FIR) with the consent of respondent No.2.

2. The FIR has been registered by respondent No.2 on 5.8.2023 with Shivaji Park Police Station vide C.R No. 354 of 2023 for the offences under Sections 498-A, 323 & 504 read with 34 of the Indian Penal Code (IPC).

3. Petitioner No.1 is the husband, petitioner No.2 is the brother-in-law, petitioner No.3 is the mother-in-law, petitioner

No.4 is the father-in-law and petitioner No.5 is the sister-in-law of the respondent No.2.

4. It is jointly submitted that the parties have amicably resolved the dispute. In view of amicable settlement, the Consent Terms were executed. The petition for dissolution of marriage is filed before the Family Court at Bandra, Mumbai viz. Petition No.C/38 of 2021. The Consent Terms were filed in the said proceedings which indicate that the parties have mutually agreed to file a petition jointly for grant of divorce by mutual consent in accordance with Section 13(1)(B) of the Hindu Marriage Act, 1955. The Consent Terms further stipulates that the petitioner No.1 herein shall make payment of Rs.37 lakhs to respondent No.2 herein towards full and final settlement of all her claims including maintenance past, present and future permanent alimony.

5. It is not disputed that the amount of Rs.15 lakhs has been paid to respondent No.2 on 14.2.2024 vide Demand Draft dated 13.2.2024. Today, amount of Rs.22 lakhs by way of Demand Draft has been given to respondent No.2 during the

course of hearing of the proceedings. The said Demand Draft has been accepted by respondent No.2. Thus full and final amount towards permanent alimony is being paid to respondent No.2.

6. Respondent No.2 is present in the Court. She has admitted that there is settlement between the parties and she has received the amount of Rs.37 lakhs. The parties have also filed the petition for grant of divorce by mutual consent viz. Petition No. F/2129/2024, which is pending before the Family Court at Bandra, Mumbai for final decree of divorce.

7. Respondent No.2 has also filed affidavit indicating the terms of settlement and consent for quashing the FIR. The affidavit is taken on record.

8. In the light of settlement between the parties, nature of relationship and the fact that the dispute had arisen on account of matrimonial discord which has been resolved amicably, the impugned FIR can be quashed.

ORDER

A] Criminal Writ Petition is allowed.

B] The impugned FIR dated 5.08.2023 registered with Shivaji Park Police Station vide C.R No. 354 of 2023 for the offences under Sections 498-A, 323 & 504 read with 34 of the IPC is quashed and set aside.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)