

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPLICATION NO. 436 OF 2024**

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|----|--------------------------|--|----------------|
| 1. | Mr. Siddhesh K. Chati | | |
| 2. | Mr. Krishnanath W. Chati | | |
| 3. | Mrs. Sudha K. Chati | | ...Applicants |
| | Versus | | |
| 1. | The State of Maharashtra | | |
| 2. | Mrs. Priya S. Chati | | ...Respondents |

Adv. Shikhani Shah i/b Mr. Satyaram R. Gaud for the Applicants.
Mr. A.S. Shalgaonkar, APP for the Respondent/State.
Mr. Sachin V. Dere a/w. Ms Sarika S. Dere and Mr. Akshay A.
Pawar for Respondent No.2.

CORAM	:	PRAKASH D. NAIK & N. R. BORKAR, JJ.
DATE	:	15.04.2024.

PC:-

1. Not on board. Upon mentioning, taken on production board.

2. The present application under Section 482 of Code of Criminal Procedure, 1973 is filed to quash the First Information Report No.05 of 2020 dated 04 January 2020 registered at V.P. Marg Police Station, Mumbai for the offence punishable under Sections 498-A and 406 read with 34 of the Indian Penal Code (IPC) and the criminal proceedings arising out of said FIR being C.C.No.193/PW/2020 pending before the Additional Chief Metropolitan Magistrate, 4th Court at Gorgaon, Mumbai.

3. The aforesaid crime came to be registered at the instance of respondent No.2/complainant. Applicant No.1 is the husband, applicant No.2 is the father-in-law and applicant No.3

is the mother-in-law of respondent No.2. The allegations against the applicants are of cruelty and criminal breach of trust.

4. The quashing of FIR and criminal proceedings is sought on the ground that there has been an amicable settlement between the parties and respondent No.2 is no longer desirous of prosecuting the case in question.

5. The learned counsel for the applicants and respondent No.2 jointly submit that the parties have amicably settled their matrimonial dispute. It is submitted that the parties have filed the Consent Terms before the Additional Chief Metropolitan Magistrate, 4th Court at Girgaon, Mumbai in the domestic violence proceedings bearing C.C. No.14/DV/2018. It is submitted that according to the Consent Terms, applicant No.1 and respondent No.2 have mutually agreed to file a petition for divorce by mutual consent under Section 13(1)(B) of the Hindu Marriage Act, 1955. Applicant No.1, in addition to the amount of interim maintenance, which he has already paid, has agreed to pay Rs.8,00,000/- to respondent No.2 herein towards permanent alimony and out of the said amount, he has already paid Rs.2,00,000/- to the respondent No.2 at the time of filing Consent Terms. The balance Rs.6,00,000/- will be paid as stipulated in the Consent Terms. It is submitted that no purpose would be served by keeping the prosecution alive, in view of the settlement arrived at between the parties.

6. The respondent No.2, who is identified by her Advocate, is personally present in the Court. She confirms about the settlement arrived at with the applicants, and the contents of the consent affidavit dated 7 March 2024 filed by her, wherein she has stated she has no objection if the criminal case in question against the applicants is quashed. The affidavit is taken on record.

7. The main reason for filing of FIR by respondent No.2 appears to be matrimonial discord. The allegations are totally personal in nature. Even otherwise in view of the settlement between the parties, the respondent No.2 is not going to support the prosecution case. Thus, nothing fruitful will come out of the prosecution in question. In the result, the following order is passed.

ORDER

A] Criminal Application is allowed.

B] The proceedings in C.C. No.193/PW/2020 pending before the Additional Chief Metropolitan Magistrate, 4th Court at Girgaon, Mumbai arising out of FIR No.05 of 2020 dated 04 January 2020 registered at V. P. Marg Police Station, Mumbai for the offence punishable under Sections 498-A and 406 of the IPC against the applicants are quashed and set aside.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)