

expenses towards marriage were incurred by complainant's father. Gift articles were presented to the relatives of accused. The complainant then joined the matrimonial home. The husband of the first informant was addicted to liquor. There were quarrels between first informant and her husband. She was assaulted by the husband. The first informant was working as pilot. Sister-in-laws were taunting her. In April 2016 the first informant came to Bandra and started residing with her husband. Her husband had subjected her to unnatural sex. Accused No.1 was demanding money for day to day expenses. Mother-in-law and sister-in-law were insulting her. Subsequently, the complainant went to Ahmedabad with her husband. In September, 2017 she was assaulted by husband and told to leave matrimonial home. Mother-in-law supported her son. She was told to leave the house. The ornaments brought by her in the marriage were retained by mother-in-law and her husband. Thereafter, the accused/husband was insisting that she should agree for divorce. The complainant approached the police and lodged the FIR on 18th April 2018. Statements of witnesses were recorded. On completing investigation, charge-sheet was filed.

3. The petitioner No.1 is husband and petitioner No.2 is mother-in-law of respondent No.2.

4. The petitioners and co-accused had preferred Criminal Writ Petition No. 5999 of 2017 before this Court which was adjudicated on merits and it was partly allowed by quashing the proceedings against sister-in-laws (accused No.3 and 4) and the relief was not granted qua petitioners.

5. It is jointly submitted that, the matter is now settled between the parties. The consent terms are filed before the Family Court. The proceedings under the Domestic Violence Act initiated by respondent No.2 are withdrawn in view of settlement between the parties. Marriage has been dissolved in the light of the consent terms.

6. The complainant is present in the Court. She is represented and identified by Advocate. She has filed affidavit. She has no objection for quashing the FIR and proceedings.

7. We have perused the affidavit of complainant. It is stated that, matter is resolved amicably and the parties had entered upon consent terms dated 15.03.2021 in the family Court in Divorce Proceedings and as per consent terms, the complainant had agreed to withdraw the case pending against petitioners. The complainant has already withdrawn the proceedings under the Domestic Violence Act pending before the Court of learned Metropolitan Magistrate 12th Court, Bandra Mumbai and the

marriage has been dissolved vide order dated 10.04.2024. The affidavit is taken on record.

8. In view of the fact that the dispute was on account of matrimonial discord between the parties which has been resolved and consent terms are executed between them, the proceedings can be quashed.

ORDER

- (i) Criminal Writ Petition No. 1279 of 2024 is allowed.
- (ii) The Criminal Proceedings in C.C. No.1446/PW/2019 pending before the learned Metropolitan Magistrate, 12th Court, Bandra Mumbai arising out of FIR dated 20.04.2018 registered with Bandra Police Station vide C.R. No.235 of 2018 is quashed and set aside.
- (iii) The laptop of the petitioner No.1 which was seized during investigation be returned to the petitioner No.1.
- (iv) Writ Petition stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)