

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 629 OF 2023

Sunil s/o Baliram Wadje ... Applicant

Versus

The State of Maharashtra and anr. ... Respondents

Ms. Snehal Jadhav for the Applicant.

Mr. K. T. Hivrale, APP for the State.

Mr. Somnath Thengal for Respondent No. 2.

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

DATED : 13.03.2024

P.C. :-

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

2. The applicant challenges the FIR dated 27.03.2023 registered with Hinjawadi police station vide Crime No. 327 of 2023 for offence under Sections 498-A, 323, 504, 427 of the Indian Penal Code.

3. The FIR has been registered at the instance of respondent No. 2.

4. Respondent No. 2/complainant is the wife of the applicant. The parties have settled the dispute. Consent terms

are executed. The complainant has no objection for quashing the FIR.

5. The complainant is present in the Court and she has admitted the contents of the affidavit and consent terms and expressed her consent for quashing the impugned FIR.

6. We have perused the affidavit filed by the applicant and the respondent as well as consent terms executed between them, which indicate that the dispute has been resolved and the parties had agreed to follow the terms stipulated in the consent terms.

7. Considering the fact that the parties have settled the dispute and agreed to dissolve the marriage with mutual consent the parties are at liberty to move an application before the concerned Court for waiver of waiting period for deciding petition for divorce by mutual consent and if such application is preferred in view of settlement between the parties the same may be granted.

8. We appreciate the efforts taken by learned APP Mr. Gavand for conducting the mediation proceedings successfully.

9. In view of consent terms executed between the parties and considering the fact that the parties have resolved matrimonial discord, the FIR can be quashed.

ORDER

- (i) Writ Petition is allowed.
- (ii) The FIR dated 27.03.2023 registered with Hinjawadi police station vide Crime No. 327 of 2023 for offence under Sections 498-A, 323, 504, 427 of the Indian Penal Code is quashed and set aside.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)