

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3256 OF 2023

Dilip Somnath Sawale

...Petitioner

Versus

1. The State Of Maharashtra

2. Dr. Rajshree Dilip Sawale

...Respondents

....

Mr. Sidheshwar Biradar, Advocate for the Petitioner.

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

Mr. Yogesh Birajdar Advocate for Respondent No.2.

PSI A. S. Chougule, Chakan Police Station is present.

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ETHAPE
DNYANESHWAR
ASHOK

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

DATE : 12th APRIL 2024

P.C.:-

1. The petitioner is charge-sheeted in RCC No.391 of 2023 pending before the learned 4th Joint Judicial Magistrate, First Class and Civil Judge Junior Division, Rajgurunagar-Khed, Dist Pune, for offences under Sections 498-A 377, 323, 504, 506 of the Indian Penal Code, 1860. The proceedings are arising out of FIR dated 28th February 2023 registered with Chakan Police Station, Pune vide C.R. No. 260 of 2023.

2. The FIR was registered at the instance of Respondent No.2 alleging that, the marriage between petitioner and respondent No.2 was solemnized on 28th November 2010. The complainant was ill-treated by the accused. She was subjected to assault and abuses.

3. Parties have resolved the dispute. They have executed consent terms. It is jointly urged that, the proceedings may be quashed with the consent of complainant.

4. The respondent No.2/complainant is present in the Court. She is represented by Advocate . She has filed affidavit in support of the relief sought by the petitioner. She has reiterated that, proceedings can be quashed with her consent as there is settlement between the parties.

5. The consent terms indicate that, the petitioner and respondent No.2 has agreed to dissolve the marriage by mutual consent. They have agreed to withdraw the allegations and cases against each other. Consent terms also indicate that, the petitioner has agreed to deposit the amount stipulated therein in the account of the daughter and it is also agreed that, the said amount would be used for welfare and education of the daughter. The petitioner has also agreed to provide demand draft of Rs.20 lakhs towards permanent alimony and flat premises would be provided for the purpose of residence of respondent No.2 and their daughter by executing

gift deed in respect to the flat premises. It is also agreed that the streedhan would continue to be in custody of respondent No.2.

6. The amount of Rs.20 lakhs as stated above is to be given to respondent No.2 on the date of decree passed in the petition for divorce.

7. In the affidavit of the complainant it is stated that, all the disputes between her and petitioner are settled and she has no objection if the petition is allowed. Consent terms and affidavit is taken on record.

8. Since the parties have resolved the dispute which had occurred on matrimonial discord between them, the impugned proceedings can be quashed.

ORDER

- (i) Criminal Writ Petition No. 3256 of 2023 is allowed;
- (ii) The impugned proceedings in RCC No.391 of 2023 pending before the learned 4th Joint Judicial Magistrate, First Class and Civil Judge Junior Division, Rajgurunagar-Khed, Dist Pune, arising out of FIR dated 28th February 2023 registered with Chakan Police Station, Pune vide C.R. No. 260 of 2023 is quashed and set aside.

(iii) Petition stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)