

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 5310 OF 2022

Rahul Chandrakant Makwana and Ors. ... Petitioners

Versus

The State of Maharashtra and another ... Respondents

.....

Mr. Sushil Mishra a/w. Ms. Shweta Singh i/b. Mr. Sanjay Mishra for
Petitioners

Mr. M.M. Deshmukh, APP for State.

Ms. Dimple Asran for Respondent No.2.

.....

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

DATED : 29th FEBRUARY 2024

P.C. :-

1. The First Information Report was registered on 24th October, 2021 with Malad Police Station vide C.R. No. 799/2020 at the instance of Respondent No.1 for offences under Sections 498(A) and 406 of IPC and Sections 3 and 4 of the Dowry Prohibition Act. Petitioner No.1 is husband, Petitioner No.2 is father-in-law and Petitioner No.3 is mother-in-law of Respondent No.2. The marriage between Petitioner No.1 and respondent No.2 was solemnized on 9th February, 2018.

2. Learned APP on instructions submitted that the charge-sheet is filed and the proceedings are pending before the concerned court vide CC NO. 5104/PW/2022 pending in the Court of Metropolitan Magistrate, 24th Court, Andheri.

3. It is pointed out that the parties have resolved the dispute. Memorandum of Understanding was executed between the parties on

14th March, 2021. Pursuant to the understanding, the marriage is dissolved and decree of dissolution of marriage was passed by mutual consent on 3rd January, 2022. The Memorandum of Understanding and decree of divorce is annexed to the petition.

4. Respondent No.2. is present in the Court. She has filed affidavit indicating that MOU was executed between the parties and there is a settlement between the parties. The amount as agreed between the parties is already paid to Respondent No.2. She has no objection for quashing the proceedings.

5. Considering the fact that the dispute is in the nature of matrimonial dispute, which has been resolved, the impugned proceedings can be quashed.

ORDER

- (i) Writ Petition No. 5310 of 2022 is allowed.
- (ii) The proceedings in CC NO. 5104/PW/2022 pending in the Court of Metropolitan Magistrate, 24th Court, Andheri arising out of CR No. 799/2020 registered with Malad Police Station are quashed and set aside.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)