

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO.4135 OF 2023**

Ujjwal Dhananjay Kumar and  
Ors.

...Petitioners

Versus

The State of Maharashtra and  
Anr.

...Respondents

....

Mr. Amresh B. Sharma with Mr. Tulshiram Lokhande for the  
Petitioners.

Mr. Ajay Patil, APP for Respondent No.1-State.

Mr. Yogesh Jar for Respondent No.2

Ms Swati Ujjwal, Respondent No.2 is present.

Ms Wandinee Ware, PSI, Kashmirira Police Station, present.

**CORAM: SMT. ANUJA PRABHUDESSAI &**

**N.R. BORKAR, JJ.**

**DATED: 16<sup>th</sup> JANUARY, 2024.**

**P.C.:-**

1. This is a petition under Article 226 of the Constitution of India to quash the FIR No.368 of 2019 registered with Kashmirira Police Station, District-Thane, for the offences punishable under Sections 498-A, 406, 323, 494, 504 and 506 r/w 34 of the IPC and Regular Criminal Case No.2431 of 2020 arising therefrom and pending in the Court of 4<sup>th</sup> J.M.F.C., Thane.

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2. The aforesaid crime was registered pursuant to the FIR lodged by Respondent No.2. The marriage of Respondent No.2 and Petitioner No.1-husband was solemnised on 23/11/2017. Respondent No.2 lodged the FIR on 17/06/2019 alleging that her husband and his family members had subjected her to physical and mental cruelty.

3. Learned counsel for the Petitioners and Respondent No.2 state that the parties have settled the dispute amicably and that they have filed the consent terms in Marriage Petition No.523 of 2023 before the learned C.J.S.D., Thane. Copy of the consent terms is placed on record at page No. 47. It is stated that based on the consent terms filed by the parties, marriage has been dissolved under Section 13(B) of the Hindu Marriage Act, 1955.

4. Petitioner No.1 has agreed to pay to Respondent No.2 an amount of Rs.16,00,000/- towards full and final settlement. It is stated that Respondent No.2 has already received an amount of Rs.8,00,000/- and the balance amount of Rs.8,00,000/- is deposited with the Mediator - Mr. Mukesh Sharma and that the said amount will be paid to Respondent No.2 after quashing of the R.C.C.

No.2431 of 2020. Respondent No.2 has also filed her affidavit wherein she has confirmed that the matter has been settled amicably as per the terms filed in the marriage petition. Respondent No.2 is present in person. She has been identified by her Advocate. She has confirmed the contents of the affidavit and reiterated that the matter has been settled amicably.

5. In our considered view the settlement is genuine and voluntary. Since the parties have put an end to the matrimonial dispute, continuance of criminal proceedings will be an abuse of process of the law.

6. Under the circumstances and in view of the principles laid down in ***Jitendra Raghuvanshi and Ors. v/s. Babita Raghuvanshi and Anr.*** (2013) 4 SCC 58, the petition is allowed in terms of prayer clause (A). The FIR No.368 of 2019 registered with Kashimira Police Station, District-Thane, for the offences punishable under Sections 498-A, 406, 323, 494, 504 and 506 r/w 34 of the IPC and Regular Criminal Case No.2431 of 2020 stand quashed.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)