

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4409 OF 2022

Dattatraya Dhondo Wani And Anr

...Petitioners

Versus

1. The State Of Maharashtra

2. Sou. Urmila Nitin Wani

...Respondents

Mr.Amit Icham Advocate for Petitioners.

Mr. Mayank Tripathi i/by Ms. Preeti Walimbe Advocate for
Respondent No.2.

Ms. Rutuja Ambekar, APP for Respondent-State.

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

DATE : 14th MARCH 2024

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P.C.:-

1. The petitioners are challenging the First Information Report dated 26th July 2022 registered with Kothrud Police Station, Pune vide C.R. No.0169 of 2022 for offences under Sections 498-A, 504, 506 read with 34 of the Indian Penal Code, 1860. The FIR was registered at the instance of Respondent No.2.

2. The Petitioner No.1 is father-in-law, Petitioner No.2 is mother-in-law and Petitioner No.3 is husband of Respondent No.2.

3. Parties have settled the dispute. They have filed consent terms before the Family Court, Pune. Respondent No.2 is present through V.C. She has no objection for quashing the FIR.

4. Petitioner No.3 (husband) has filed affidavit-cum-undertaking stating that, parties have resolved the pending litigation and petitioner No.3 and Respondent No.2 had agreed to dissolve their marriage by divorce by mutual consent. They have filed petition under Section 13(B) of the Hindu Marriage Act before the Family Court, Pune. The petitioner No.3 (husband) has agreed to pay an amount of Rs.50,00,000/- towards permanent alimony. As per consent terms, Petitioner No.3/husband had undertaken to deposit Rs.10,00,000/- out of aforesaid amount before the Family Court which was permitted to be withdrawn by the Respondent No.2/wife. Remaining amount of Rs.40,00,000/- is to be deposited at the time of filing of final evidence of affidavit by the parties. The said amount was permitted to be withdrawn by the Respondent No.2/wife. It is submitted that in accordance with consent terms, the amount of Rs.10 lakhs which is referred hereinabove has been deposited by the petitioner (husband) before the family Court and the said amount has been withdrawn by Respondent No.2/wife. The Respondent No.2/wife has also filed affidavit-cum-undertaking stating that, dispute is resolved and she has no objection for quashing the FIR.

5. Considering the fact that, the parties have resolved the dispute which is arising out of matrimonial discord, the impugned FIR can be quashed.

ORDER

- (i) Criminal Writ Petition No. 4409 of 2022 is allowed.
- (ii) The impugned FIR dated 26th July 2022 registered with Kothrud Police Station, Pune vide C.R. No.0169 of 2022 is quashed and set aside.
- (iii) Writ Petition stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)