

Mr. Anilkumar K. Patil for the Petitioners.
Mr. A. S. Shalgaonkar, APP for the State.
Mr. Sandesh More a/w Pravin Shelke for Respondent No. 2.

DATED : 22.02.2024

The petitioners are charge-sheeted for the offences under Sections 377, 498-A, 342, 406, 323, 504, 506 r/w 34 of the Indian Penal Code vide Crime No. 298 of 2021 registered with Vashi Police Station.

1 / 4

married sister-in-law, petitioner No. 5 is married brother-in-law and petitioner No. 6 is the husband of respondent No. 2.

3. There is amicable settlement between the parties. Consent terms dated 22.02.2024 are placed on record, which indicate that the parties have resolved their differences. Petitioner No. 6 and respondent No. 2 decided to dissolve marriage by mutual consent under Section 13-B of the Hindu Marriage Act.

4. Consent terms further stipulate that petitioner No. 6 (husband) agrees and undertakes to pay respondent No. 2 total sum of Rs. 23,50,000/- in two installments towards permanent alimony including marriage and all miscellaneous expenses. Out of the said amount, Rs. 11,75,000/- as first installment is being given to the respondent No. 2 in advance towards quashing the impugned FIR/charge-sheet and the proceedings in RCC No. 575 of 2022.

5. The petitioner No. 6 agrees and undertakes that remaining amount of Rs. 11,75,000/- shall be paid to respondent No. 2 as soon as the decree of divorce by mutual consent is passed. However, by way of security, one week in advance from Scheduled date of decree of divorce by mutual

consent, the petitioner No. 6 shall draw a demand draft in the name of respondent No. 2 for an amount of Rs. 11,75,000/- and the same will be in custody of learned Mediator, which should be handed over to respondent No. 2 in the presence of Advocates on the date of decree of divorce passed by mutual consent.

6. As stated in the consent terms, the first installments of Rs. 11,75,000/- referred herein above is handed over to respondent No. 2 by way of demand draft dated dated 31.01.2024 bearing No. 758658.

7. Both the parties had agreed and undertaken to withdraw all the allegations made against each other. Consent terms also stipulate that the complainant to extend her cooperation by giving consent for quashing the FIR/charge-sheet. Consent terms are taken on record.

8. Respondent No. 2 is present in the Court alongwith her father. She has admitted that the parties have resolved the dispute and executed consent terms. She has filed an affidavit of consent for quashing the impugned proceedings. The affidavit dated 31.01.2024 is taken on record.

9. The report of Mediator also indicates that the matter has

been settled between the parties. The report is taken on record and marked 'X' for the purpose of identification.

10. Considering the aforesaid circumstances and taking note of the fact that the dispute had occurred on account of matrimonial discord between the parties, which has been settled, the impugned proceedings can be quashed.

ORDER

- (i) Writ Petition No. 6475 of 2021 is allowed.
- (ii) The proceedings in RCC No. 575 of 2022 pending before learned JMFC at CBD Belapur, District Thane arising out of Crime No. 298 of 2021 registered with Vashi Police Station for offences under Sections 377, 498-A, 342, 406, 323, 504, 506 r/w 34 of the Indian Penal Code are quashed and set aside.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)