

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3568 OF 2023

Gul Kishanchand Thadani And Anr ...Petitioners
Versus
The State Of Maharashtra And Anr ...Respondents

Ms.Nikita K. Dharamshi i/by C K Legal Advocate for Petitioner.

Ms. S.E. Phad, APP for Respondent-State.

Mr. Amol Mhatre, Advocate for Respondent No.2.

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

DATE : 14th MARCH 2024

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P.C.:-

1. The petitioners are charge-sheeted for offences under Sections 420, 507 read with 34 of the Indian Penal Code, 1860. Proceedings are pending before the Court of learned 7th Joint Civil Judge Senior Division and Additional Chief Judicial Magistrate, Nashik vide RCC No. 1546 of 2020.
2. The First Information Report dated 24th January 2019 was registered at the instance of Respondent No.2 with Gangapur Police Station, Nashik vide C.R. No.0032 of 2019 for offence under Sections 506, 507 read with 34 of the Indian Penal Code, 1860. On completing investigation, charge-sheet was filed in the aforesaid offences.
3. The Petitioner No.1 is the father-in-law and petitioner No.2 is brother-in-law of Respondent No.2. The dispute between parties is settled.

Corrected version of order dated 14.03.2024 pursuant to speaking to minutes of order dated 27.03.2024.

Dnyaneshwar Ethape, P.A.

There was matrimonial discord between Respondent No.2 and his wife. In view of settlement, the parties have filed consent terms before this Court in Family Court Appeal (ST)No.10252 of 2021. In view of settlement, parties have agreed to quash the proceedings with the consent of complainant.

4. It is submitted that, the Appeal filed before this Court was relating to the custody of child in which the consent terms were filed. Clause 7 of the consent terms, refer to the impugned proceedings which are agreed to be quashed with the consent of complainant. It is submitted that in clause 7 of consent terms inadvertently incorrect Section of IPC are referred which will be corrected before appropriate Court.

5. Respondent No.2 is present though V.C. He has expressed consent for quashing the impugned proceedings.

6. Since the dispute is settled and the complainant has no objection for quashing the impugned proceedings, relief sought in this petition can be granted.

ORDER

- (i) Criminal Writ Petition No.3568 of 2023 is allowed.
- (ii) The impugned proceedings in RCC No. 1546 of 2020 pending before the learned 7th Joint Civil Judge Senior Division and Additional Chief Judicial Magistrate, Nashik arising out of First Information Report dated

24th January 2019 was registered with Gangapur Police Station, Nashik vide C.R. No.0032 of 2019 is quashed and set aside.

(iii) Writ Petition stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)