

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3755 OF 2023**

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|--------|---|----------------|
| 1. | Durgaprasad Shetty
through Power of Attorney Holder
Mrs. Shailaja D. Shetty | |
| 2. | Kushala J. Shetty. | ...Petitioners |
| Versus | | |
| 1. | State of Maharashtra | |
| 2. | Shriti D. Shetty | ...Respondents |

Advocate Rushda P. i/b. Usha Tanna and Associates for the
Petitioners.

Ms Sangita E. Phad, APP for the Respondent/State.

Ms Sangeeta Mali for Respondent No.2.

CORAM	:	PRAKASH D. NAIK & N. R. BORKAR, JJ.
DATE	:	12.03.2024.

PC:-

1. Not on board. Taken on board.
2. The petitioners are challenging the proceedings in R.C.C. No.357/2014 pending before the 3rd Joint Civil Judge, Junior Division & J.M.F.C., Thane. The proceedings arise out of the FIR dated 21.4.2014 registered with Vartak Nagar Police Station, Thane vide C.R. No.I-201 of 2014 for offences under Sections 498-A, 406, 323, 504 read with 34 of the IPC. The FIR was registered at the instance of respondent No.2.

3. The petitioner No.1 is the husband and petitioner No.2 is the mother-in-law of respondent No.2.

4. Respondent No.2 had filed petition for divorce before the Family Court at Bandra. Parties have resolved the dispute and the consent terms are executed. As per the consent terms, it is agreed between the parties that the divorce will be obtained by mutual consent under Section 13-B of the Hindu Marriage Act. It is also agreed that petitioner No.1 would pay amount of Rs.43 lakhs to respondent No.2 by way of permanent alimony which has been deposited before the Family Court, Bandra and as per the consent terms, the amount would be allowed to be withdrawn by respondent No.2 after the decree of divorce is passed by the Family Court.

5. The Power of Attorney Holder of petitioner No.1 (sister of petitioner No.1) is present in the Court and petitioner No.1 is presently in USA. Petitioner No.2 and respondent No.2 are also present in the Court. Respondent No.2 has filed the affidavit of consent indicating the settlement between the parties and her no objection for quashing the impugned proceedings.

6. Considering the fact that the dispute is resolved and it has arisen out of matrimonial discord between the parties, the impugned proceedings can be quashed.

ORDER

A] Writ Petition is allowed.

B] The proceedings in R.C.C. No.357/2014 pending before the 3rd Joint Civil Judge, Junior Division & J.M.F.C., Thane arising out of FIR dated 21.4.2014 registered with Vartak Nagar Police Station, Thane vide C.R. No.I-201 of 2014 are quashed and set aside against the petitioners.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)