

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3649 OF 2023

Lieutenant Colonel Dr. Saiprasad

Madhukar Zemse and Ors. ... Petitioners

Versus

The State of Maharashtra and another ... Respondents

WITH

WRIT PETITION NO. 3650 OF 2023

Amol Ramchandra Pawar and Anr. ... Petitioners

Versus

The State of Maharashtra and Anr. ... Respondents

WITH

INTERIM APPLICATION NO.91 OF 203

IN

WRIT PETITION NO. 3650 OF 2023

Natha Laxman Chavan ... Applicant

Versus

Amol Ramchandra Pawar and Anr. ... Respondents

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Mr. Amol Patankar a/w. Vatsal Thakkar for Petitioners in WP 3649 of 2023.

Mr. Ranjeet M. Pawar for Petitioners in WP 3650 of 203

Ms. M.M. Deshmukh, APP for State.

Mr. Amol Deshpande for Respondent No.2 in both Wps.

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

DATED : 29th FEBRUARY 2024

P.C. :-

1. The Petitioners in both the Petitions are challenging the First Information Report dated 8th November, 2022 registered with Mumbai Naka Police Station, Nasik vide C.R. No. 311/2020 for offences under Sections 344, 348, 363, 384, 406, 498-A, 504, 506 r/w. 34, 108-A, 120-B of IPC.
2. First Information Report was registered by Respondent No.2, who is father of the aggrieved person. Petitioner No.1 in Writ Petition No. 3649 of 2023 is the husband. Petitioner No.2 is father-in-law and Petitioner No.3 is mother-in-law of Respondent No.2 Priti Zemse.
3. The Petitioners in Criminal Writ Petition No. 3650 of 2023 are brother-in-law and sister-in-law of Complainant.
4. Parties have resolved the dispute,. The proceedings were initiated before the Court of Vargnia for dissolution of marriage between the Petitioner No.1 (Husband) and Respondent No.2. Consent terms were executed between the parties.
5. Learned Advocate for both the parties, placed on record the consent order passed by the Court of Virginia. The parties have executed Memorandum of Agreement which is the part of the aforesaid consent order. The Memorandum indicates that the parties agree to sign the necessary Court documents to drop the proceedings.
6. The Respondent No.2 has filed affidavit stating that he has registered the complaint at the instance of his daughter who is now residing at USA. They do not have any grievance against the Petitioners and the other accused. He is filing this affidavit in support of this petitions for quashing the FIR. He do not have any objection if the

Petition is made absolute as prayed by the Petitioners.

7. Respondent No.2 and Smt. Priti Zemse are present through Video conferencing. They have expressed no objection for quashing the First Information Report.

8. Considering the fact that the parties have resolved their differences and gave consent for quashing the FIR and also considering the fact that they have executed consent terms, the impugned proceedings arising out of matrimonial dispute, can be quashed.

ORDER

- (i) Writ Petitions No. 3649 of 2023 and 3650 of 2023 are allowed.
- (ii) The First Information Report dated 8th November, 2022 registered with Mumbai Naka Police Station Nasik vide C.R. No.311 of 2020 is quashed and set aside.
- (iii) The respondents are at liberty to produce on record the original copy of the consent affidavit.
- (iv) The photocopy of the consent affidavit is taken on record.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)