

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (APL) NO. 1567 OF 2023

1. Mr. Ramkrishna Muniram Kewat
2. Mrs. Shantidevi Muniram Kewat
3. Mrs. Sushila Shivkumar Nishad
4. Mrs. Puja Vijayprakash Kewat
5. Ms. Sarita Muniram Kewat

...Applicants

Versus

1. The State of Maharashtra
2. Mrs. Vandana Ramkrishna Kewat
- @ Vandanadevi H. Nishad

...Respondents

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Mr. A. W. Shaikh i/by Mr. Vahid Shaikh, Advocate for the Applicants.

Mr. V. A. Kulkarni, APP for Respondent No.1-State.

Ms. Manisha Acharya Advocate for Respondent No.2.

API Smita A. Pawar, Rabale Police Station, is present.

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

DATE : 4th APRIL 2024

PC.:-

1. The applicants have challenged the FIR dated 4th April 2023 registered with Rabale Police Station, Navi Mumbai vide C.R. No. 163 of 2023 for offences punishable under Sections 323, 498-A, 504, 506 read with 34 of the Indian Penal Code, 1860. The FIR has been registered at the instance of Respondent No.2.

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2. The Applicant No.1 is husband, Applicant No.2 is mother-in-law, Applicant Nos. 3, 4 and 5 are sister-in-law of Respondent No.2.

3. The marriage between the Applicant No.1 and Respondent No.2 was performed on 18th February 2022. The complainant joined matrimonial home. It is alleged that, the Applicant No.5 assaulted and taunted the complainant. Ornaments belonging to the complainant were taken in to their custody by the accused. The complainant was sent to her parental home. The husband of the complainant did not bring the complainant back to matrimonial home. The family member of the complainant tried to approach the accused but there was no response. The applicant No.1 kept for assuring that the complainant would be taken back to her matrimonial home. On 27th March 2023, the relative of the complainant approached the accused. They were abused and assaulted. The accused were aggrieved by the fact that the dowry was not given during marriage.

4. Learned Advocate for Respondent No.2 submitted that, the parties have amicably settled the differences. Consent terms are signed by them. As per consent terms, the Applicant No.1 had agreed to pay one time permanent alimony in the sum of Rs.10,00,000/- in two installments to Respondent No.2. It is agreed that, Applicant No.1 shall pay an amount of Rs.1,00,000/- to Respondent No.2 at the time of filing of the affidavit of

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consent before this Court by Demand Draft dated 18th October 2023. It was agreed that, the applicant No.1 shall hand over the demand draft of Rs.9,00,000/- dated 9th October 2023 to Respondent No.2 at the time of final hearing of the proceedings before the Family Court.

5. The consent terms signed by applicant No.1 and Respondent No.2 are part of this Application. The consent terms stipulates the terms as stated hereinabove. The consent terms also indicate that, the complainant had agreed to withdraw the proceedings registered vide FIR No. 163 of 2023. The applicant No.1 and Respondent No.2 has filed petition for divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 before the Family Court at Thane. The consent terms were filed in the said proceedings.

6. The Respondent No.2 is present in the court. She is represented by Advocate. She had admitted the consent terms. She has expressed her consent for quashing the proceedings in view of settlement between the parties. She has filed affidavit of consent. The affidavit is taken on record. The affidavit contents the statement that, she has no objection if the proceedings in C.R. No. 163 of 2023 registered with Rabale Police Station are quashed.

7. The proceedings are arising out of matrimonial differences between the parties. They have resolved their differences. It is agreed that the marriage between Applicant No.1 and Respondent No.2 would be dissolved. Husband has agreed to pay permanent alimony. Hence, there is no impediment in quashing the impugned FIR.

ORDER

- (i) Criminal Application (APL) No. 1567 of 2023 is allowed;
- (ii) The impugned FIR dated 4th April 2023 registered with Rabale Police Station, Navi Mumbai vide C.R. No. 163 of 2023 is quashed and set aside against the Applicants.
- (iii) Applicant stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)