

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.4018 OF 2024

Mayuresh Ulhas Nachankar and ors. ... Petitioners

V/s

The State of Maharashtra and anr. ... Respondents

Mr. Chetan G. Patil, Advocate for the Petitioners.

Mr. Vinod Chate, APP for the Respondent No.1/State.

Ms. Pooja Nitin Sejpal with Ms. Akshata Desai, Advocates for the Respondent No.2.

**CORAM : SARANG V. KOTWAL &
DR. NEELA GOKHALE, JJ.
DATE : DECEMBER 05, 2024.**

P.C. :

1. The Petitioners seek quashing of the criminal proceedings bearing R.C.C. No.34 of 2023 pending before the Judicial Magistrate First Class, Alibag arising out of C.R.No.5 of 2023 dated 4th January, 2023 registered with the Alibag Police Station for the offences punishable under sections 498-A, 406 read with section 34 of the Indian Penal Code.

2. The Petitioner No.1 is the husband of the Respondent No.

2. Petitioners No. 2 to 5 are his relatives.

3. It is the case of the Respondent No.2 that she married the Petitioner No. 1 on 21st April, 2017 as per the Hindu rites and ceremonies. She started residing with her husband alongwith his relatives at Bhayandar. It is also her allegation that the Petitioners had treated her with cruelty and even ill-treated her. She also says that the Petitioners used to allege that she was not mentally fit and also use to demand divorce from her. The Petitioners had refused to return all her valuable ornaments which were gifted to her at the time of marriage and they had retained the same. In these circumstances, she had filed the impugned FIR with the police.

4. The investigation was completed and the charge-sheet was filed. There was statements of her parents, uncles, sisters etc. recorded by the police which corroborate the allegations made by the Respondent No.2 in her FIR. By orders of this Court, the parties were sent for mediation and pursuant to mediation the parties have decided to amicably resolve their dispute. Accordingly, the Respondent No.2 has received the streedhan from the Petitioners before the Mediator. Consent Terms are executed. The Respondent No.2 is present before the Court and is identified by her counsel. She has filed her affidavit dated 5th December, 2024 duly affirmed before the Notary Public. In paragraph No.7 of the affidavit she has stated that since the

matter is amicably settled between the parties, she has no objection if the application is allowed and if the present proceedings are quashed. She says that she is yet to receive the entire alimony.

5. In view of the aforesaid, considering that the parties have amicably resolved the dispute, the criminal proceedings arising out of C.R.No. 5 of 2023 dated 4th January, 2023 registered with the Alibag Police Station for the offences punishable under sections 498-A, 406 read with section 34 of the Indian Penal Code are hereby quashed and set aside.

6. It is made clear that Respondent No.2 is at liberty to revive the present proceedings if the entire alimony is not received by her as per the Consent Terms.

7. The Petition is allowed and disposed of in the aforesaid terms.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)