

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

CRIMINAL APPLICATION NO.809 OF 2024

Namrata Prakash Fulwani & Ors. Applicants
versus
The State of Maharashtra & Anr. Respondents
.....

- Mr. Abdul Wahab Shaikh, Advocate for Applicants.
- Mr. Ashish I. Satpute, APP for the State/Respondent.
- Mr. Mohit L. Ahuja, Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL &
DR. NEELA GOKHALE, JJ.**
DATE : 23rd OCTOBER, 2024

P.C. :

1. The Applicants seek quashing of the FIR No.635/2023 dated 19/10/203, registered with Kalyan Taluka Police Station, Thane Rural, for the offence punishable u/s 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code.
2. The Applicant No.1 is the mother-in-law of the Respondent No.2/first informant. The Applicant No.2 is her husband and the Applicant No.3 is her sister-in-law. It is alleged in the FIR that the Applicant No.2 and the Respondent No.2 were married on 04/11/2019 as per the Hindu rituals. For a

month after the marriage, the Applicants treated her well. However, on 10/12/2019, when she returned from a outing, the Respondent No.2 saw that her cupboard has been ransacked. When she asked the Applicants in that regard, her mother-in-law said that they were looking for gold which the Respondent No.2 could have hidden in the cupboard. It is also alleged that the parents of the Respondent No.2 had given 280 grams of gold to the Applicants and the same has been retained by them. There are other allegations in the FIR and according to the Respondent No.2 because of the ill-treatment, meted out to her, there was marital discord between the parties. This led to filing of the impugned FIR.

3. In the meantime, the parties have decided to settle their matter by amicable resolution. The Marriage Petition has been filed before the Civil Judge Senior Division, Kalyan, bearing No.1011/2024. The Respondent No.2 in paragraph No.4 of her affidavit has stated that she has no objection if the FIR is quashed and set aside. She also says that she has received full and final settlement amount from the Applicants. But an amount

of Rs.4 lakhs is yet remained to be paid as the last installment. The said amount is to be paid at the time of second motion of the Divorce Petition.

4. The Respondent No.2 is present in the Court and is identified by her counsel. She reiterates averments made by her in the affidavit. In this view of the matter and considering that the proceeding is of a personal nature and thus not affecting the society at large, we are inclined to quash and set aside the FIR subject to the last installment of Rs.4 lakhs to be paid to the Respondent No.2 as agreed. The FIR No.635/2023 dated 19/10/2023, registered with Kalyan Taluka Police Station, Thane Rural and the consequent proceedings are set aside. If the installment as agreed is not paid to the Respondent No.2, she is at liberty to initiate appropriate proceeding and seek recall of the present order.

5. The Application is disposed of accordingly.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)