

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

CRIMINAL WRIT PETITION NO. 2483 OF 2024

Parag Dinesh Prajapati & Ors. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. Kapil Shah a/w Mr. Vatsal Parmar i/by M.K. Juris Associates,
Advocate for the Petitioners.

Mr. S.V. Gavand, Addl. P.P. for Respondent No.1/State.

Adv. Khyati Shah, Advocate for Respondent No.2.

**CORAM : RAVINDRA V. GHUGE
&
RAJESH S. PATIL, JJ.**

DATE : 24th JANUARY, 2025

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P.C. :-

1. A marital discord has reached the Police Station in the form of the First Information Report ('FIR') No.0451 of 2022, registered on 26th November, 2022 with the Manikpur Police Station, Mira-Bhayandar, Vasai Virar.

2. Both the parties are also before the learned Family Court at Bandra in M.J. Petition No. A-584 of 2022. Consent Terms dated 19th October, 2023, have been tendered before the Marriage Counselor of the Family Court.

3. The parties are now agreeable to seek divorce by mutual consent. The Consent Terms indicate a payment of Rs.80,000/- by the Petitioners to the Complainant. The learned Advocate for the Complainant identifies the Complainant present in the Court. The husband has delivered Rs.80,000/- in cash to the Complainant today, out side the Court. The learned Advocate for the Complainant confirms that the said amount has been received in cash by the Complainant. There are certain household items belonging to the Complainant, which are to be delivered by the husband to her, before the Family Court. Both consent for quashing of the FIR, in the light of these developments.

4. Keeping in view the law laid down in the Hon'ble Supreme Court in *Narinder Singh & Ors. V/s. State of Punjab & Anr.*¹ and *B.S. Joshi and others V/s. State of Haryana and Another*², this Writ Petition is allowed in terms of Prayer Clauses (A) and (B), which read as under :-

“A. The First Information Report No.451 of 2022 filed by Respondent No.3 in Manikpur Police Station against the Petitioner No.1 to 5 under section 498(A), 406, 323, 504, 506, 34 of Indian Penal Code, 1860 be quashed and set aside.

¹ Criminal Appeal No.686 of 2014, decided on 27th March, 2014.

² 2003 (4) SCC 675.

B. Proceedings in Complaint Case No.R.C.C/974/2023 filed at the instance of Manikpur Police Station, before the Hon'ble J.M.F.C. Court Vasai, against Petitioner No.1 to 5 for alleged commission of offences punishable under u/s 498(A), 406, 323, 504, 506, 34 of Indian Penal Code, 1860 be quashed and set aside;"

5. A copy of this order shall be placed before the learned Family Court, which shall endeavour to ensure that all the belongings of the wife are returned by the husband, before the Family Court proceeds to allow the Petition, by mutual consent. We grant liberty to the wife to oppose, if any of the Consent Terms are not honoured by the husband.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)