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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4121 OF 2024

Manoj Vijay Sawant & Ors.

..... Petitioners

VERSUS

State of Maharashtra & Anr.

..... Respondents

...

Ms. Aarti R. Dharamsey for the Petitioners.

Ms. Supriya Kak, A.P.P. for the State – Respondent No.1.

Ms. Sunita R. Vishwakarma i/b. Saroj K. Shinde for the Respondent No.2.

....

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

DATE : 17th January, 2025

P.C. :

1. The husband and the wife are present in Court and they are identified by their respective advocates.

2. We have heard the learned Advocates for the respective sides and the learned A.P.P. on behalf of the State.

3. We have perused the First Information Report (FIR) No.

653 of 2021 dated 26th July, 2021 registered with the Agripada Police Station, Mumbai and the Consent Terms between the parties, dated 19th June, 2024 which were tendered before the learned Family Court at Bandra in A-2040 of 2020, at pages 24 to 32 in the Petition paper-book.

4. The learned Advocates for the parties submit on instructions and on the basis of the Consent Terms, that each of them shall abide by the statements recorded in the Consent Terms. After this Court quashes the FIR, the learned Family Court would proceed to deliver the decree of divorce by mutual consent. We are also informed that the son born out of the marriage would remain in the custody of the father and the mother would deliver the custody of the son to the father before the Family Court.

5. In view of the above, **this Writ Petition is allowed** by consent in terms of prayer clause (a) which reads as under (reproduced verbatim) :-

(a) That this Hon'ble Court be pleased to issue a writ of Certorari or a writ in the nature of Certorari or any other appropriate writ, order or direction under Article 226 of the Constitution of India and /or any or direction the under Section 482 of Code of Criminal Procedure, 1973 to call for the records of FIR No. 653 of 2021 dated July, 26th 2021 registered with the Agripada Police Station, District

Mumbai, and after the consideration the legality and validity thereof, this Hon'ble Court be pleased to quash and set aside the same;

6. We request the learned Family Court to verify the implementation of the Consent Terms before delivering the divorce decree.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)