

WRIT PETITION NO. 5687 OF 2024

Mr.Krishna Patil for the Petitioners.
Ms.A.S.Gotad, APP for Respondent No.1-State.
Mr.Ajinkya Sarvade for Respondent No.2.
Mr.Sanjay Bore, PSI, Malad Police Station.

DATE : 2nd January, 2025

P.C. :

1. This Petition is filed by the husband and parents-in-law of the Complainant-wife, Respondent No.2, who has registered the First Information Report (FIR) bearing No. 1036 of 2022, dated 19th July, 2022 in the Malad Police Station. Sections 498-A, 323, 504 and 506 of the Indian Penal Code have been invoked.

2. The learned Advocate for the Petitioners and the learned Advocate for the Complainant submit that the parties have tendered their consent terms, dated 20th September, 2024, before the Family Court at

Bandra, Mumbai in M.J. Petition No. A-3237 of 2022. The consent terms are at page Nos. 73 to 79. The agreed amount of Rs. 20,00,000/- has already been deposited by the husband before the Family Court and the Sheristedar of the Family Court has executed a receipt of the amount having been deposited in the Court.

3. The learned Advocate for the husband submits, on instructions, that the amount is towards payment to the wife and the minor son. The wife has to withdraw the said amount. The learned Judge of the Family Court will be passing an order in the matter, but for the reason that the FIR is pending and for quashing of which, this Petition has been filed. If the FIR is quashed, the wife would withdraw the said amount from the Family Court and a divorce decree would be passed by the said Court.

4. Considering the contents of the FIR, keeping in view that a matrimonial discord has led to the registering of an FIR, the parties have tendered their consent terms for a mutual divorce before the Family Court and the law laid down in *B.S.Joshi and Others V/s. State of Haryana and Another*¹, this Petition can be accepted.

¹ 2003 (4) SCC 675

5. In the light of the above and the statements made, **this Writ Petition is allowed in terms of prayer clause (a)**, which reads as under :

“(a) That this Hon’ble Court may be pleased to quash and set aside regular Criminal Case No. PW/2404540/2022 pending before the 24th Addl. Chief Metropolitan Magistrate Borivali Court, Mumbai”.

6. The FIR dated 19th July, 2022 stands quashed by consent.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)