

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1092 OF 2025

1. Yatin Vinaykumar Patkar	
2. Nutan Vinaykumar Patkar	Petitioners
Vs.	
1. The State of Maharashtra	
2. Manjiri Yatin Patkar	Respondents

Mr. Narendra V. Walawalkar, Senior Advocate, i/b Mr. Sumedh S. Modak, for the Petitioners.

Mr. Aashish Satpute, APP for Respondent No.1-State.

Mr. D. S. Mhaispurkar, with Mr. Hrishikesh Pawaskar, for Respondent No.2.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 25th MARCH 2025.

P.C.:-

1) Mentioned out of turn. The Petition is listed at Sr. No. 73 in today's cause-list. Since it is a Petition seeking quashing of the FIR and the criminal case, which arises from a matrimonial dispute, with the consent of the parties and since the parties are present in the Court, we have taken up the matter on mentioning.

2) Rule. Rule is made returnable forthwith. With consent of the parties, matter is taken up for final disposal. Learned APP waives

notice on behalf of the Respondent No.1-State.

3) The Petitioners seek quashing of R.C.C. No.128 of 2013 pending before Judicial Magistrate, First Class (IIIrd Court) Kalyan emanating from the FIR No. I-205 of 2012 dated 26th October 2012 registered with the Ramnagar Police Station, Dombivli, District: Thane for the offences punishable under Sections 498-A, 377, 506, 504, 509, 323, 355, 427 read with 34 of the Indian Penal Code, 1860 (“IPC”).

4) The Petitioners No.1 and 2 are the husband and mother-in-law of the Respondent No.2 respectively. There was some acrimony and marital discord between the parties which led the Respondent No.2 to lodge the aforesaid FIR.

5) It appears that in the interregnum, the parties have decided to amicably resolve their disputes. The Petitioners No.1 and 2 and the Respondent No. 2 have entered into Consent Terms. The said Consent Terms and Affidavit are annexed to the Petition at Pages 90 and 97 respectively. Vide the Consent Terms, the Marriage Petition No. 274 of 2018 filed by the Respondent No. 2 is converted into a

marriage petition for divorce by mutual consent by filing appropriate amended application. The Petitioners No. 1 and 2 have agreed and undertaken to withdraw proceedings bearing Special Civil Suit No. 32 of 2019 filed against the Respondent No. 2. They have already made an application seeking withdrawal of the suit before the Court concerned and the Respondent No.2 has given her consent for the same. In the Consent Affidavit dated 22nd February 2025, duly attested before a Notary Public, the Respondent No.2 has affirmed that she wishes to withdraw the allegations against the Petitioners and is not desirous of pursuing present proceedings/prosecution against them.

6) The parties are present in Court. The Respondent No.2 is identified by her Advocate. On enquiry, she reiterates her stand in the Affidavit. She further states that, in view of the settlement, she has no objection to quashing of the R.C.C. No.128 of 2013 pending before Judicial Magistrate, First Class (IIIrd Court) Kalyan arising from FIR No. I-205 of 2012 registered with the Ramnagar Police Station, Dombivli, District: Thane, for offences punishable under Sections 498-A, 377, 506, 504, 509, 323, 355, 427 read with 34 of the IPC.

- 7) The Petition is thus allowed in the following terms:
- i. R.C.C. No.128 of 2013 pending before the Judicial Magistrate, First Class (IIIrd Court) Kalyan arising from FIR No. I-205 of 2012 registered with the Ramnagar Police Station, Dombivli, District: Thane, for the offences punishable under Sections 498-A, 377, 506, 504, 509, 323, 355, 427 read with 34 of the IPC are quashed and set aside.
 - ii. The 3rd Civil Judge, Senior Division, Kalyan is requested to pass necessary orders pertaining to withdrawal of Special Civil Suit No. 32 of 2019, pending before it expeditiously and preferably within a period of two weeks from the date on which this order is brought to its notice.
 - iii. We direct the Petitioners to pay a cost of Rs.20,000/- to the Central Police Welfare Fund within a period of two weeks from the date of uploading of this order.
 - iv) Details of the bank account for payment of cost are as under :-
 - Bank Name :- Axis Bank Limited.
 - Branch Name :- Worli, Mumbai (M.H.),
Mumbai-400 025
 - Account Name :- Central Police Welfare Fund

Account Number :- 914010029005759

IFSC Code :- UTIB0000060

v) Petitioners to deposit the said cost of Rs.20,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

- 8) Rule is made absolute.
- 9) The Petition is disposed off in the aforesaid terms.
- 10) List the matter for reporting compliance on **15th April 2025.**
- 11) All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)

SHAMBHAVI
NILESH
SHIVGAN

Digitally signed
by SHAMBHAVI
NILESH
SHIVGAN
Date: 2025.03.29
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