

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

CRIMINAL WRIT PETITION NO. 819 OF 2016

Mr. Ananta Maya Gondhali & Others. ... Petitioners.
V/s.
The State of Maharashtra & Anr. ... Respondents.

Mr. Jaiprakash Sawant, Advocate for the Petitioners.
Mrs. M. M. Deshmukh, APP for the State.
Ms. Sandhya Mailagir i/by Anil Joshi, Advocate for Respondent No.2.

**CORAM : NARESH H. PATIL AND
A. M. BADAR, JJ.
DATE : 03rd MAY, 2016.**

P.C. :

1 By this petition, Petitioners-Accused in Regular Criminal Case No. 585 of 2013 pending on the file of learned Magistrate, First Class, Panvel, Dist. Raigad, are praying for quashing and setting aside F.I.R. No. I-77 of 2013 registered against them with the Taloja Police Station, Dist. Raigad at the instance of Respondent No.2/ Informant-Mrs. Jyoti A. Gondhali as well as consequential R.C.C.No. 585 of 2013, pending on the file of the learned JMFC, Panvel, Dist Raigad.

2 Heard learned counsel appearing for Petitioners as well as Respondent No.2/Informant. They unanimously submitted that FIR No. 1-77 of 2013 came to be lodged by Respondent No.2 in respect of the matrimonial dispute

between her and her family members. Petitioners are husband and in-laws of Respondent No.2/ informant. Learned counsel appearing for both the parties submitted that now the matrimonial dispute between the parties is amicably settled and as such Respondent No.2/ informant does not want to continue with the criminal proceedings viz. Regular Criminal Case No.585 of 2013 pending against the Petitioners. Respondent No.2 / informant Mrs. Jyoti Ananta Gondhali has placed on record an affidavit. Perusal of the said affidavit shows that during pendency of the proceedings before Family Court, Bandra, the parties have chosen to settle the dispute by filing consent terms before the Judicial Magistrate, First Class, Panvel where the criminal proceedings being Regular Criminal Case No. 585 of 2013 are pending. Affidavit of Respondent No.2 further shows that Respondent No.2 and Petitioner No.1 have mutually decided by way of consent terms to dissolve the marriage of Respondent No.2 with Petitioner No.1 by a decree of divorce. It is stated in the affidavit that as per the consent terms, Respondent No.2 wants to withdraw all the proceedings against Petitioners as well as the complaint lodged by her.

3 Respondent No. 2/informant Mrs. Jyoti is present before the court. She is duly identified by her learned counsel. Upon being asked, she stated that she does not want to pursue FIR No. I-77/2013 initiated at her instance against present petitioners who are her husband and in-laws and the

subsequent proceedings in Regular Criminal Case No. 585 of 2013 pending before the learned Judicial Magistrate, First Class at Panvel, Dist. Raigad.

4 We have also heard the learned Additional Public Prosecutor appearing for the State-Respondent No.1.

5 We have perused the chargesheet filed against the present Petitioners pursuant to FIR bearing No. I-77 of 2013 for the offences punishable under sections 420, 498A, 406, 504, 506 read with section 34 of the Indian Penal Code. The Criminal Case, as seen from the chargesheet, has arisen out of matrimonial dispute between Respondent No.2 /informant and her husband/Petitioner No.1. Now their matrimonial dispute is stated to have been resolved as the parties have amicably settled all the issues and as such chances of conviction in the said criminal case are too remote. No public law element is involved in the present case. Therefore, in order to prevent abuse of process of law, the petition needs to be allowed and, therefore, the order :

i) Writ Petition is allowed.

ii) Regular Criminal Case No. 585 of 2013 against the Petitioners pending on the file of learned Judicial Magistrate, First Class, Panvel, Dist. Raigad

initiated pursuant to FIR No. I-77 of 2013 registered with the Taloja Police Station, Dist. Raigad at the instance of Respondent No.2 against the Petitioners, is quashed and set aside.

(A. M. BADAR, J.)

(NARESH H.PATIL,J.)

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