

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

CRIMINAL WRIT PETITION NO. 1324 OF 2016

Shri Bhavesh Amrut Boricha & Others. ... Petitioners.
(Org. Accused)

V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr. P. K. Patole, Advocate for the Petitioners.
Mrs. S. V. Sonawane, APP for the State.
Mr. G. D. Gaikwad, Advocate for Respondent No.2.

**CORAM : NARESH H. PATIL AND
A. M. BADAR, JJ.**

DATE : 12th APRIL, 2016.

P.C. :

1 By this petition under Article 226 of the Constitution of India, read with Section 482 of the Criminal Procedure Code, 1973, Petitioners/accused in Crime No. 48 of 2016 for offences under sections 498A, 323, 504, 506, r/w. 34 of the Indian Penal Code, registered with the Dongari Police Station, Mumbai, are praying for quashing and setting aside the said FIR lodged by Respondent No.2 - Smt. Aarti Bhavesh Boricha.

2 Learned counsel appearing for the Petitioners/ Accused as well as Respondent No.2/informant have unanimously submitted that both the parties have amicably settled the matrimonial dispute and that informant/ Respondent No.2-wife does not desire to prosecute the FIR lodged by her against the Petitioners.

3 Respondent No. 2- Aarti Bhavesh Boricha is present in-person. She is duly identified by her learned counsel. Upon being asked, she submits that now she is happily residing with her husband i.e. Petitioner No.1 and that she does not want to prosecute the criminal proceedings initiated by her against the petitioners. We have also gone through the Affidavit filed by Respondent No.2/informant- Mrs. Aarti, wherein she has stated that there is no objection of her to quash FIR lodged by her.

4 We have also heard the learned APP appearing for the State.

5 Perusal of the FIR goes to show that the dispute between the parties is a matrimonial dispute. They have amicably resolved the same. It is seen that Respondent No.2 is now happily residing with her husband i.e. Petitioner No.1. No public law element is involved in the instant case. As such the order :

i) Writ Petition is allowed.

ii) The FIR being Crime No.48 of 2016 for the offences punishable under sections 498A, 323, 504, 506, r/w. 34 of the Indian Penal Code, registered against Petitioners at the instance of Respondent No.2- Mrs.Aarti Bhavesh Boricha at Dongari Police Station, Mumbai is hereby quashed and set aside.

(A. M. BADAR, J.)

(NARESH H.PATIL,J.)

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