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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 960 OF 2017

Sushant B. Khaitan and Ors.

.. Petitioners

Vs.

The State of Maharashtra and anr.

.. Respondents

Mr. R. G. Panchal, Mr. Mohan Rawal and Mr. Anil Jaiswar for petitioners.

Dr. F. R. Shaikh, APP for State.

Mrs. Gunjan Sushant Khaitan @ Gunan Bajaj, respondent no.2 present in person.

CORAM: NARESH H. PATIL &
NITIN W. SAMBRE, JJ.

DECEMBER 14, 2017.

P.C.

1. Rule. Rule made returnable forthwith. Heard finally by consent of parties.

2. On a complaint lodged by the respondent no.2 – complainant, offence came to be registered against the petitioners under Sections 498-A, 354(A) (1) of the Indian Penal Code and under Section 43(a)(b) of the Information Technology Act, 2000 vide C.R. No. 144 of 2015 at Juhu Police Station, Mumbai.

3. The respondent No.2 married the petitioner no.1 on 26/11/2012. Both started residing at Bangalore. The respondent No. 2 is originally resident of Mumbai. It is alleged that after the marriage, respondent no.2 was ill-treated by the petitioners. Respondent No.2 made serious allegation against her father-in-law which is described in detail in the complaint. Respondent No. 2 registered her protest before her husband – petitioner no.1 regarding the conduct of her father-in-law. Thereafter on certain occasions, which are specifically mentioned in the complaint, respondent no.2 alleged that she was badly treated. At times, she has not provided with necessary basic things and even was denied money for purchasing essential items for her. According to respondent no.2, she was physically and mentally harassed. With this state of mind, the respondent no.2 left home and reached Mumbai. Respondent No.2 thereafter decided to lodge a complaint against the petitioners and accordingly C. R. No. 144 of 2015 came to be registered with Juhu Police Station, Mumbai.

4. The respondent no.2 is personally present in court along with her mother. The petitioner no.1 is present in court. The learned counsel

appearing for the petitioners submitted that divorce petition is filed by respondent no.2 in the Family Court, Bandra, Mumbai, against the husband which is still pending on the file. According to the learned counsel, the parties have decided to settle the matter and, therefore, they have filed consent terms before the Family Court, Bandra, Mumbai and an affidavit by respondent no.2 – Mrs. Gunjan Sushant Khaitan is tendered before this court. The consent terms and affidavit of respondent no.2 are taken on record and marked “X & “Y” respectively for identification.

5. The learned counsel appearing for the petitioners submit that taking into consideration peculiar facts and circumstances of the case and that the parties have decided to settle their dispute, the criminal complaint be quashed so that the dispute pending before the Family Court, Bandra, Mumbai, would also get disposed of and the parties would lead in peace.

6. The respondent no.2 – complainant is present in court along with her mother. She is not represented by a lawyer. The respondent no.2 is a qualified person. She submits that whatever stated in the affidavit and the consent terms is true and she has no objection if the criminal complaint /FIR is quashed.

7. After perusing the record, affidavit of respondent no.2, the consent terms and considering the submissions advanced, we find that ends of justice will meet if the parties are allowed to get the criminal complaint / FIR quashed.

8. C.R. No. 144 of 2015 registered against the petitioners with Juhu Police Station, Mumbai for offences punishable under Sections 498-A, 354(A)(1) of the Indian Penal Code and under Section 43(a)(b) of the Information Technology Act, 2000 is hereby quashed.

9. Rule is made absolute in the above terms.

(NITIN W. SAMBRE J.)

(NARESH H. PATIL,J.)