

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
**CRIMINAL APPLICATION NO. 41 OF 2018**

Mr.Dhruv Sudhirschandra Malhotra and ors.      .. Applicants  
Vs.  
Mrs.Priyanka Maruti Salunke and anr.              .. Respondents

Ms.Manisha Gandhi, for the Applicants.  
Mr.Dasharath G.Parab, for Respondent No.1.  
Mrs. G.P. Mulekar, APP for State.

**CORAM : SMT. V.K.TAHILRAMANI ACTING C.J.  
AND M.S.KARNIK, J.**

**19<sup>th</sup> JANUARY, 2018**

**P.C. :**

1.            The applicants are seeking quashing of FIR/CR No. 348 of 2015 of Park Site Police Station, Vikhroli, Mumbai and the proceedings relating thereto. The case is under sections 498A, 406, 323, 504, 506, 509 read with 34 of IPC. The said case is now pending before Additional Chief Metropolitan Magistrate 31<sup>st</sup> Court, Vikhroli, Mumbai.

2.            Heard learned Counsel for the applicants - original

accused Nos. 1 to 5, learned Counsel for the respondent No. 1 - original complainant and learned APP for the State.

3. The applicants No. 1, 3, 4 & 5 are present before the Court. Learned Counsel for respondent No.1 confirms that applicant No.2 is sitting in his vehicle near the High Court as he is indisposed, unable to walk and he is wheel-chair bound and it is not possible for him to remain present personally before the Court. As far as applicant No.2 is concerned, it is indicated that if the Court finds it necessary, he can be carried up to the Court Room. However, looking to the fact that learned Counsel for respondent No. 1- original complainant has identified that he is sitting in the vehicle near the Court and that he is unwell, we do not in the facts and circumstances of this case, find it necessary for him to remain present before the Court. Respondent No.1 - original complainant is also present before us. She has filed affidavit. In the said affidavit it is stated that FIR arose on account of matrimonial dispute. She had filed Petition for divorce before the Family Court at Bandra, Mumbai. In the said

matter, amicable settlement was arrived at by the complainant and she has no objection for quashing FIR and proceedings relating thereto as she does not want to proceed with the matter any further.

4. Looking to the fact that the matter is amicably settled between the parties and looking to the fact that the complainant does not wish to pursue the case, we are of the opinion that no purpose would be achieved by continuing with the prosecution in the said matter.

5. In this view of the matter, FIR/CR No. 348 of 2015 registered with Park Site Police Station, Vikhroli, Mumbai and proceedings relating thereto are quashed.

6. The Application is allowed in the above terms.

7. Authenticated copy be furnished to the parties.

**(M.S.KARNIK, J.)**

**(ACTING CHIEF JUSTICE)**