

Anand

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

WRIT PETITION NO. 5209 OF 2018

Ketan Vijay Mutkekar .Petitioner

Vs.

The State of Maharashtra & anr. .Respondents

**WITH
CRIMINAL APPLICATION NO. 52 OF 2015**

Mrs. Rashmi Ketan Mutkekar .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. J. Thakker, Advocate, for the Petitioner in **W. P. No. 5209 of 2018**

Mr. Makrand Panchakshari, Advocate, for the Applicant in **Cri. Appln. No. 52 of 2015** & for Respondent No. 2 in **W. P. No. 5209 of 2018**

Dr. F. R. Shaikh, APP, for the Respondent No. 1 – State **in both matters**

Ms K. H. Rajani, Advocate, for the Respondent No. 2 in **Cri. Appln. No. 52 of 2015**

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.**

DATE : 07.02.2019

P.C.

. Prayer is to quash and set aside FIR essentially under

Section 498A jointly. Out of very same matrimonial discord, one more FIR was filed by the sister-in-law of Complainant in present matter. The Complainant has approached this Court in Cri. Appln. No. 52 of 2015 for quashing it.

2. Complainant – Mrs. Rashmi is the wife while Petitioner in W. P. No. 5209 of 2018 Mr. Ketan is the husband.

3. Cri. Appln. No. 52 of 2015 was not on board today. However, on joint request, we have taken it up.

4. Parties jointly request that entire dispute between them is amicably settled and accordingly, a joint Petition under Section 13B of the Hindu Marriage Act, 1955 vide Marriage Petition No. 376 of 2018 is already filed in Family Court at Thane. Parties also state that Consent Terms are already tendered in those proceedings.

5. Respective Complainants are present before this Court and are identified by their counsel. Both Complainant state that in

view of settlement, they are not willing to prosecute the criminal matters further.

6. They have accordingly given their Affidavits. The Affidavits are taken on record.

7. In view of joint request made, we make rule absolute in terms of prayer clause (a) in both the matters. Mr. Makrand Panchakshari, Advocate is given time till end of day to place Vakalatnama of Complainant on record.

(REVATI MOHITE DERE, J.)

(B. P. DHARMADHIKARI, J.)