

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1431 OF 2021

Vikram Mahendra Vig  
and others

.... Petitioners

Versus

The State of Maharashtra and another

.... Respondents

....

Ms. K.H. Rajani, Advocate i/b. Jaideep Thakkar, for the Petitioners.

Ms. A.S. Pai, APP for Respondent No.1 -State.

Mr. Raju Vamgar, Advocate for Respondent No.2.

....

**CORAM : NITIN JAMDAR AND  
SARANG V. KOTWAL, JJ.**

**DATE : 21 DECEMBER 2021**

**P.C.**

Heard learned counsel for the parties. Taken up for disposal.

2. Leave to amend the main prayer clause being prayer clause

(a) is granted. Amendment shall be carried out forthwith.

3. The Petition is filed for the following reliefs:

“(a) *The entire proceeding pending between the parties at Cr. No.261 of 2012 registered with Vashi Police Station u/s 498(A), 323, 504, 506, 406 r/w 34 of Indian Penal Code RCC no.1485 of 2012 pending before JMFC, Vashi may kindly be quashed and set aside in the interest of justice.*”

4. The learned counsel for the Petitioners and Respondent No.2 states that the parties have resolved their dispute which is a matrimonial dispute and Respondent No.2 has given consent for quashing of the FIR.

5. Respondent No.2 filed FIR on the allegations that the Petitioners subjected Respondent No.2 to physical and mental cruelty and demands of dowry. The proceedings then filed in the Court of Civil Judge, Senior Division, Thane being Marriage Petition No.418/2012. The learned counsel for the parties state that the matrimonial proceedings were referred for mediation, wherein the parties have agreed to dissolve the marriage by mutual consent and the consent terms have been executed. It is also stated that the Petitioners have deposited certain amount in the Court of Civil Judge, Senior Division at Thane. Respondent No.2 has filed an affidavit. The contents of which have been reiterated by the learned counsel for Respondent No.2 upon instructions.

6. We have perused the FIR. The genesis of the dispute is matrimonial one. In the mediation proceedings before the Family Court the parties have resolved their dispute. Affidavit of Respondent No.2 also makes the position very clear that in view of the settlement, Respondent No.2 has no objection for quashing of the FIR.

7. Considering these facts and that the dispute does not have repercussion on the society at large, it is a private dispute and keeping the prosecution pending would be harassment to the parties, we are of the opinion that a case is made out for exercise of extraordinary jurisdiction of this Court for quashing the FIR. Accordingly, the Writ Petition is allowed in terms of prayer clause (a) as amended.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)

Deshmane (PS)