

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1069 OF 2020

Sunil Bhimrao Shejale and others Petitioners
Versus
The State of Maharashtra and another Respondents

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Mr. Deepak Dere, Advocate for the Petitioners.

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

Mr. Anand Palande, Advocate for Respondent No.2.

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

DATE : 21 DECEMBER 2021

P.C.

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

2. The petition is filed for the following relief:

“(a) *Rule be issued and by issuing appropriate Writ, Order by direction, that the proceedings against the Petitioners i.e. C.C. No.378/PW/2014 arising from C.R. No.88 of 2014 registered with Respondent No.1 viz. Tardeo Police Station by the Respondent No.2 under section 498(A), 323, 504, 506(ii), 34 of Indian Penal Code, which is pending for hearing before the Ld. Addl. Chief*

*Metropolitan 4th Court at Girguam, Mumbai,
may kindly be quashed and set aside;”*

3. The Petitioner No.1 is the husband of Respondent No.2. The Petitioners No.2, 3 and 4 are the father-in-law, the mother-in-law and the sister-in-law respectively. The Respondent No.2 filed a FIR under Sections 498-A, 323, 504, 506 read with 34 of IPC alleging that Respondent No.2 was subjected to physical and mental cruelty and the demands of dowry.

4. The learned counsel for the Petitioners and Respondent No.2 states that in a Petition No.A-2542/2018 filed at Family Court, Bandra, Mumbai the consent terms have been arrived at wherein the divorce by mutual consent was agreed and certain payments as full and final maintenance were agreed upon.

5. The learned counsel for the Petitioners and Respondent No.2 states that Respondent No.2 has agreed to give consent for quashing of the present FIR. The consent terms are on record. The learned counsel for the parties inform that the divorce by mutual consent was granted on 16 January 2020. The Respondent No.2 has filed an affidavit wherein Respondent No.2 has stated about various proceedings filed between the parties which are to be settled between the parties. The Respondent No.2 has specifically stated that in view of the compromise and settlement, the Respondent No.2 is giving consent for quashing of the present FIR. The statements made in the

affidavit of Respondent No.2 are reiterated by the learned counsel for Respondent No.2 on instructions.

6. Having perused the FIR, the consent terms before the Family Court, affidavit of Respondent No.2 it is clear that the dispute is a matrimonial dispute. The parties have settled their dispute. The divorce by mutual consent has taken place. They are agreeing to settle, dispose of, withdraw the *inter se* disputes pending in different courts. Under these circumstances, continuing the present FIR will impede the overall settlement process between the parties. The dispute does not affect the society at large and keeping the prosecution pending will be needless harassment to all concerned.

7. In these circumstances, a case is made for exercise of extraordinary jurisdiction of this Court to quash the FIR. Accordingly, writ petition is allowed in terms of prayer clause (a) as above.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)

Deshmane (PS)