

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3518 OF 2021

Minakshi Nana Jagtap & Ors. .. Petitioners
v/s.
The State of Maharashtra & Anr. .. Respondents

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Mr. Samyak Gimekar, for the Petitioners.

Mr. J.P. Yagnik, APP, for Respondent State.

Ms. Jayashri Akolkar, for Respondent No.2.

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CORAM: NITIN JAMDAR &
SARANG V. KOTWAL JJ.

DATE : 20 DECEMBER 2021.

P.C:-

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

2. This petition is filed praying for the following reliefs:

“(b) To be pleased to quash the proceedings arising from R.C.C. No.1861 of 2019 pending in the file of the learned Judicial Magistrate, First Class, Vashi, Thane against Petitioner Nos. 1 to 3.

(c) To be pleased to quash C.R.No.523 of 2018 for the

offence punishable under Sections 377, 198-A, 406, 323, 504, 506, read with 34 of the Indian Penal Code registered at Vashi Police Station, Thane against Petitioner No.4.”

3. Petitioner No.4 is the husband of Respondent No.2. Petitioner No.1 is the mother-in-law, Petitioner No.2 is the father-in-law and Petitioner No.3 is the sister-in-law of Respondent No.2.

4. Respondent No.2 filed the FIR under Sections 377, 498A, 406, 504 and 506 read with Section 34 of Indian Penal Code alleging that the Petitioners subjected her to mental and physical cruelty and they made demands of dowry.

5. The learned Counsel for the parties point out that when the Petitioners had filed an application seeking anticipatory bail, parties were referred to mediation and in the mediation, Petitioner No.4 and Respondent No.2 agreed for divorce by mutual consent under Section 13B of the Hindu Marriage Act and that certain monetary consideration was fixed. It was agreed that Respondent No.2 will give consent for quashing of this FIR and the proceedings filed under Domestic Violence Act would be withdrawn.

6. The consent terms signed before the Mediator are on record. An affidavit is filed by Respondent No.2 reiterating that parties have resolved their dispute. The learned Counsel for Respondent

No.2 confirms the stand of Respondent No.2 as above, on instructions from Respondent No.2, who is present in the Court, as identified by the learned Counsel for Respondent No.2.

7. Having considered these facts and that the FIR was result of matrimonial dispute, which is now resolved, there will be no purpose served in keeping the prosecution pending. Considering the stand of Respondent No.2 it will not result in conviction. On the other hand, if FIR is not quashed, it will impede the settlement process arrived at before the Mediator. Therefore, case for exercise of extraordinary jurisdiction of this Court is made out to quash the FIR.

8. Accordingly, the petition is allowed in terms of prayer clauses (b) and (c).

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)