

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4569 OF 2021

Chetan Eknath Chavan & Ors.

.... Petitioners

versus

State of Maharashtra & Anr.

.... Respondents

.....

- Mr.Haresh Shivdasani, Advocate for Petitioner.
- Mr.J.P. Yagnik, APP for State/Respondent No.1.
- Ms.Shalini Patil, Advocate for Respondent No.2.

CORAM : NITIN JAMDAR &
SARANG V. KOTWAL, JJ.

DATE : 21 DECEMBER 2021

P.C. :

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

MANUSHREE
V
NESARIKAR

2. The Petition is filed for the following relief;

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“(a) *This Honourable Court be pleased to issue a Writ of Mandamus and/or any other appropriate writ, order of directions in the nature of Mandamus; and thereby be pleased to quash all proceedings in C.C.No. 1284/PS/2018 pending on the file of the*

Learned Metropolitan Magistrate 15th Court, Mazgaon, Mumbai, arising out of the First Information Report. Being FIR No.324 of 2017 lodged by Respondent No.2 with the Kalachowki Police Station, Mumbai.”

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

4. The Petitioner No.1 and Respondent No.2 got married on 20 June 2014. The Respondent No.2 filed the FIR on 16 December 2017 under Sections 498-A, 504, 506, 406 of the Indian Penal Code, stating that she was subjected to physical and mental cruelty and demands of dowry.

5. The learned counsel for the parties state that the Respondent No.2 had filed a complaint under Domestic Violence Act before the learned Metropolitan Magistrate Court at Bandra. Mediation was conducted by the learned Metropolitan Magistrate and also with the help of NGO the dispute was resolved and consent terms were filed in the Court by Metropolitan Magistrate in the Domestic Violence case.

6. The learned counsel for the parties also informed that in the Matrimonial Petition filed Act, counseling took place between the parties and it is informed that on 30 October 2021 divorce by mutual consent has been granted.

7. The learned counsel for the parties in these circumstances prayed that the FIR be quashed by consent. The affidavit of Respondent No.2 giving consent for quashing of the FIR after narrating the background regarding statement is on record. The learned counsel for Respondent No.2 has reiterated the contents thereon, on instructions.

8. From arguments the contents of the FIR, the affidavit filed by the Respondent No.2, it is clear that the dispute that led to filing of the FIR , is a matrimonial dispute, which is now resolved. Keeping prosecution pending will impede the settlement process, achieved through mediation and it will be a harassment to the parties and it may not result in conviction. A case is made out for exercise of the extra-ordinary jurisdiction of this Court. Accordingly, the Petition is allowed in terms of prayer clause (a).

9. Order accordingly.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)