

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3914 OF 2021

Mr. Shirish K. Tilekar and others. ... Petitioners.
V/s.
The State of Maharashtra and another. ... Respondents.

Mr. Aditya Andhorikar for the Petitioners.
Mr. K. V. Saste, APP for the Respondent- State.
Mr. Abhishek Bondre i/b. Nehal Desale for Respondent No.2.

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

DATE : **20 December 2021.**

P.C. :

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

2. The relevant prayer prayed for in this petition, reads
thus:

“(a) Tis Hon’ble Court be pleased to pass an appropriate order and quash and set aside entire proceeding arising out of FIR bearing Cr no I-411/2020 registered with Jogeshwari Police Station by the Respondent No.2 against the Petitioners for offences punishable u/s 498-A, 406 and 506 (ii) r/w. 34 of Indian Penal Code and sections 4 of Dowry Prohibition Act.”

3. The Petitioner No.1 is the husband of Respondent No.2. Petitioner No.2 is the father-in-law, Petitioner No.3 is the mother-in-law and Petitioner No.4 is the sister-in-law of Respondent No.2. The Respondent No.2 filed an FIR under section 498-A, 406, 506 read with section 34 of the Indian Penal Code and section 4 of the Dowry Prohibition Act, 1961. The Respondent No.2 alleged that the Petitioners subjected her to physical and mental cruelty and made demands of dowry.

4. The learned counsel for the parties requests that in view of the settlement between the parties pursuant to which consent terms have been filed in the Family Court, the FIR may be quashed by consent of Respondent No.2. Respondent No.2 filed an affidavit on record wherein the Respondent No.2 has confirmed the consent terms and has given no objection for quashing of the FIR. The learned counsel for Respondent No.2 reiterated the contents of the affidavit on instructions from Respondent No.2 who is stated to be present in the Court and identified by advocate for Respondent No.2.

5. Having perused the FIR, the affidavit filed by Respondent No.2, and the consent terms filed in the Family Court which are referred to in the affidavit, the case for exercise of an extraordinary jurisdiction of this Court is made out to quash the FIR by

consent of Respondent No.2. Not quashing the FIR would impede the settlement process agreed between the parties of overall settlement. Keeping the prosecution pending will be harassment to all the parties and it is quite clear that it will not result in any conviction. In the result, writ petition is allowed in terms of prayer clause (a).

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)