

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO. 1091 OF 2021**

Gaurang Gambhirsingh Zaveri  
and Ors.

...Petitioners

vs.

The State of Maharashtra and Ors.

...Respondents

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Ms. Manju B. Kare a/w Ms. Anushka A. Shreshta - Advocate for the  
Petitioners

Mr. Amey C. Sawant - Advocate for the Respondent No. 2

Ms. S. D. Shinde – APP for the Respondent No. 1

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**CORAM : PRASANNA B. VARALE &  
S. M. MODAK, JJ.**

**DATE : 14<sup>th</sup> MARCH, 2022**

**P. C. :-**

1. Heard Ms. Manju B. Kare, the learned counsel appearing for the  
Petitioners, Mr. Amey C. Sawant, the learned counsel for the Respondent  
No. 2 and Ms. S. D. Shinde, APP for the Respondent-State.

2. The Petitioner No. 1 is personally present before this Court. It is  
submitted that the Petitioner No. 2 is the mother of Petitioner No. 1 and is  
in her advanced age. As such, she is not personally present before this  
Court. Similarly, the Petitioner No. 3, who is married Sister of Petitioner  
No. 1, leading a peaceful matrimonial life with her family and as such she  
is also not personally present before this Court. The Respondent No. 2 is

personally present before this Court.

3. Petitioners have approached this Court for seeking quashment of F.I.R. bearing Crime No. 308 of 2015 registered with Tardeo Police Station, Mumbai on the allegation of commission of offence under Sections 498A, 463, 464, 465, 467, 420, 313, 323, 504 read with 34 of the Indian Penal Code and proceedings namely the Sessions Case No. 325 of 2017 pending before the Sessions Court, Mumbai arising out of F.I.R. bearing Crime No. 308 of 2015.

4. The facts emerges from the perusal of the documents placed on record are :

- (i) Marriage between the Petitioner No. 1 and Respondent No. 2 was solemnized on 22/05/2010.
- (ii) The Respondent No. 2 by obtaining divorce from the first husband Shri Vimal Jayantilal Raja entered into matrimonial relationship with Petitioner No. 1, in the year 2010.
- (iii) Respondent No. 2 soon after marriage came to know that the Petitioner No. 1 made some untrue statements in relation to her social status.
- (iv) Respondent No. 2 was subjected to ill treatment and harassment.
- (v) The Petitioners also indulged in an act of forceful termination of pregnancy of Respondent No. 2.
- (vi) Such report came to be lodged at Tardeo Police Station.

5. The perusal of the documents placed on record further show that

the discord between the couple lead the parties to approach the Family Court and petition for decree of divorce by Mutual Consent under Section 13-B of the Hindu Marriage Act, 1955 was filed before the learned Family Court, Mumbai.

6. In the Petition filed before the Family Court itself it is stated that there are temperamental difference between the couple though the friends and relatives made various efforts to reconcile the differences and re-union of the couple. But unfortunately the attempts could not bring any fruitful result. It is stated in the Petition that there is no possibility of the parties living together as Husband and Wife and they have decided to dissolve marriage by decree of divorce by Mutual Consent and affidavit is also filed in this Court in the instance of the Respondent No. 2.

7. The Respondent No. 2 reiterates the factual aspect of filing the petition before the Family Court for decree of divorce by Mutual Consent and further submits that in view of the settlement arrived at between the parties she is submitted her No Objection to quash the F.I.R. bearing Crime No. 308 of 2015 and proceedings namely the Sessions Case No. 325 of 2017 pending before the Sessions Court, Mumbai arising out of F.I.R. bearing Crime No. 308 of 2015.

8. Mrs. Hiral Gaurang Zaveri, Respondent No. 2 in this Petition is Petitioner No. 1 before the Family Court, Bandra and Mr. Gaurang

Gambhirsingh Zaveri, Petitioner No. 1 in this Petition is Petitioner No. 2 before the Family Court, Bandra. The relevant terms agreed between the parties referred at page No. 22 of the Petition are read thus :-

- (a) The Petitioners are not claiming any maintenance permanent Alimony, property (movable and immovable) for each other.
- (b) The Petitioner No. 1 (present Respondent No. 2) has agreed not to claim maintenance for herself for the past, present and future.
- (c) The sole custody of the child viz. "Mahi" will be with Petitioner No. 1 (present Respondent No. 2) and Petitioner No. 2 (present Petitioner No. 1) will have free access to meet the child as per consent and convenience of Petitioner No. 1.
- (d) There is no exchange pending between the Petitioners.
- (e) The Petitioner No. 1 (present Respondent No. 2) received all her streedhan (gold) and silver jewelry) and personal belongings articles (clothes/furniture/utensils etc.) from Petitioner No. 2.
- (f) The Petitioners shall not file any litigation civil or criminal in respect of any claim of whatsoever nature against one another.
- (g) Both the Petitioners henceforth shall not interfere in none another's life in future.
- (h) The Petitioner No. 1 (present Respondent No. 2) will help in quashing criminal case no. S.C. 325/2017 against Petitioner No. 2 (present Petitioner No. 1) and his family

members under Section 498 (A) and other relevant sections of IPC as the matter between petitions are settle amicably.

9. Though the parties have agreed to terms including term agreed by the Respondent No. 2 that she will not claim maintenance for herself and for the past, present and future and sole custody of child Mahi will be with the Respondent No. 2. The Petitioner No. 1-Mr. Gaurang Zaveri, in the present Petition is ready to bear the academic expenses of the child Mahi for the academic year 2022-23. The statement is of the Petitioner No. 1 is accepted as an undertaking to this Court.

10. Considering the facts that the parties have dissolved the dispute amicably and decided to part their ways on considering the terms agreed between the parties as well as affidavit, in our opinion, no fruitful purpose would be served by continuing the proceedings. The case is made out for exercise of our power under Section 482 of Criminal Procedure Code.

11. Accordingly, the Petition is allowed in terms of prayer clause “a” and is disposed of.

**(S. M. MODAK, J.)**

**(PRASANNA B. VARALE, J.)**