

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPLICATION NO.688 OF 2021**

Rushabh Motibhai Patel and Ors. ... Applicants  
Vs.  
State of Maharashtra And Anr. ... Respondents

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Mr. Samarth Karmakar a/w Mansi Anerao, Advocate for the Applicants.

Mrs. S. D. Shinde, APP for Respondent No.1-State.

Mr. Mahesh P. Jaganiya, Advocate for Respondent No.2.

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

**DATE : 10 MARCH 2022**

**P.C. :**

. When there were differences it gave rise to filing of Police complaint. Respondent No.2 approached police Dindoshi Police Station on 04.12.2019 and offence under section 498A, 354, 323, 506, read with 34 came to be registered against the Applicants on 4.12.2019. On completion of investigation charge sheet is filed against all the Applicants.

2. Applicant No.1 is the husband of Respondent No.2 and other Applicants are relatives of Applicant No.1. After the marriage, Respondent No.2 cohabited with Petitioner No.1 at Malad, Mumbai and at Ahemadabad. But she was being ill-treated for pressuring to comply with dowry demand. She gave birth to a son. Father in law Applicant No.2 Motibhai misbehaved with Respondent No.2. Respondent No.2 left the matrimonial home and then lodged Police complaint as mentioned above.

3. During the pendency of that prosecution, both the spouses have filed mutual consent divorce Petition before Family Court Ahmadabad. Respondent No.2 has agreed to co-operate in quashing of prosecution. Accordingly she had filed an affidavit. Copy of mutual Divorce Petition is filed on record. Respondent No.2 has waived right to claim maintenance for herself and for her son. It is mentioned in that divorce Petition.

4. We have heard, Mr. Samarth Karmakar learned counsel

for the Applicants, learned APP for the Respondent No.1 and Mr. Mahesh Jaganiya, the learned counsel for the Respondent No.2. Respondent No.2 and Applicant No.1 are already residing separately. They have taking conscious decision to put an end to marital life. Hence the criminal proceedings had to be quashed. Because it will come in their way of peaceful future life. Hence case for quashing is made out. Hence the order.

#### ORDER

- a) The Criminal Application No.688 of 2021 is allowed.
- b) The F.I.R. bearing C. R. No.634 of 2019 dated 04.12.2019 under Sections 498-A, 354, 323, 504 read with 34 of the IPC. registered at Dindoshi Police Station, Mumbai and CC. No.1668/PW/2020 pending before the Court of 67<sup>th</sup> Metropolitan Magistrate Borivali are quashed and set aside.

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

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