

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

WRIT PETITION NO. 1606 OF 2021

Rajkumar Murugan and Ors.	...Petitioners
vs.	
The State of Maharashtra and Anr.	...Respondents

Adv. Shilpa Gajre - Advocate for the Petitioners
Ms. Divya Gupta - Advocate for the Respondent No. 2
Mr. K. V. Saste – APP for the Respondent-State.

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

DATE : 08th MARCH, 2022

P. C. :-

1. The present Petitioners are the accused persons in an offence bearing C. R. No. 150/2019 registered under Sections 498A, 406, 506, 354A, 354B, 509 r/w 34 of Indian Penal Code at RCF Police Station, Chembur, Mumbai.
2. It was registered on 22/06/2019 by the Complainant i.e. present Respondent No. 2. There is an allegation of causing mental and physical ill treatment of Respondent No. 2 on account of not bringing cash and other articles. During the pendency of anticipatory bail application before City Civil Court, Mumbai consent terms were filed and copy is annexed to the petition. The Respondent No. 2 and Petitioner No. 1- Rajkumar

Murugan have agreed to cohabit as husband and wife as per terms mentioned in the consent terms. One term is to withdraw the police complaint. The offence is not punishable under Sections 498A, 406, 506, 354A, 354B, 509 r/w 34 of Indian Penal Code that is why this Petition is filed. The Respondent No. 2 has also filed an affidavit thereby confirming the settlement as arrived at through Mediation at City Civil Court, Mumbai.

3. We have heard Ms. Shilpa Gajre, the learned counsel for the Petitioners, Ms. Divya Gupta, the learned counsel for the Respondent No. 2 and Mr. K. V. Saste, the learned APP for the Respondent-State.

4. The parties are related to each other and as they have settled their matter mutually, no purpose will be served in continuing the prosecution. It is fit case wherein Court can exercise its jurisdiction to quash the prosecution. Hence following Order:

ORDER

- (i) The Petition is allowed.
- (ii) The F.I.R. bearing No. 150 of 2019, registered with RCF Police Station, Chembur, Mumbai for the offence punishable under Sections 498A, 406, 506, 354A, 354B, 509 r/w 34 of Indian Penal Code is quashed and set aside.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)