

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

WRIT PETITION NO.3690 OF 2022

1. Jeetu Ramchand Meharchandi
2. Manish Ramchand Meharchandi ... Petitioners.

Versus

The State of Maharashtra
(at the instance of Vitthalwadi Police
Station, CR No.I-142/2022)

2. Smt. Pooja Ravindra Labhana ...Respondents.

...

Mr.Suresh Sabrad i/b Mr. Amit Singh for the Petitioner.

Ms M. H. Mhatre, APP for the Respondent No.1.

Mr.R. D. Suryawanshi for the Respondent No.2.

***CORAM : REVATI MOHITE DERE &
R.N.LADDHA, JJ.***

DATE : 10th NOVEMBER, 2022.

P.C. :

1. Heard learned counsel for respective parties.

2. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1–State and Mr. Suryawanshi waives notice on behalf of the respondent No.2.

3. By this petition, the petitioners seek quashing of the F.I.R., bearing C.R. No.I- 142/2022 registered with the Vitthalwadi Police Station, District-Thane, for the alleged offences punishable under Sections 493, 313, 504, 506, 323, 354 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled the dispute between them.

4. Perused the papers. According to the respondent no.2 (original complainant), aged about 28 years, she was married to one Ravindra Labana in the year 2010 and later she obtained divorce from him. She has alleged that in February 2021, she met the petitioner no.2, pursuant to which there was love affair between them and they got married in a temple. She has further alleged that the petitioner

no.2 married her, despite being already married. Respondent no.2 has alleged that pursuant thereto, she became pregnant and when she informed the petitioner no.2, the petitioner no.2 asked her to abort the child, however, she refused. She has further alleged that the Petitioner no.2 took her to Meera Hospital on 19.1.2022 and thereafter, on 20.1.2022, abortion was carried out. According to the respondent no.2, the petitioner thereafter, started avoiding her and told to her, that he will not take care of her. The Respondent no.2 has alleged that on 27.4.2022, the petitioner no.1, who is the Petitioner no.2's brother, came to her house and touched her inappropriately. Pursuant thereto, the Respondent No.2 lodged the aforesaid FIR, as against the petitioners. We are informed that charge-sheet has not been filed till date.

5. During the pendency of the aforesaid C.R., the parties amicably settled their dispute. Learned Counsel for respondent no.2 (original complainant) has tendered an affidavit of respondent no.2 dated 13.10.2022 duly affirmed before the Assistant Registrar, High

Court, Mumbai. In the said affidavit, the Respondent No.2 has stated that she has amicably settled her dispute with the petitioners and has realized her mistake in filing the aforesaid complaint. She has further stated that even in the anticipatory bail application, filed by the petitioner no.2 in this Court, she had filed an affidavit giving her 'No Objection' to grant of anticipatory bail to the petitioner no.2, pursuant to which, petitioner no.2 was granted pre-arrest bail. The said affidavit is taken on record. Learned Counsel for respondent no.2 has also tendered a self attested xerox copy of the Aadhar Card. The same is also taken on record. On questioning, Respondent No.2, who is present in person, re-iterates what is stated by her in her affidavit. Learned Counsel for the Respondent No.2 identified the Respondent No.2 and the learned APP has verified the original Aadhar Card of the Respondent No.2.

6. Learned APP, on instructions, when questioned, states that no offence u/s 313 of the Indian Penal Code has been disclosed, during the course of investigation.

7. Considering the nature of dispute, the amicable settlement between the parties, the affidavit of the Respondent No.2, and having regard to the judicial pronouncements, there is no impediment in allowing the petition.

8. The petition is accordingly allowed and the F.I.R. bearing C.R. No.I-142 of 2022 registered with the Vitthalwadi Police Station, District-Thane is quashed and set aside.

9. Petitioners to pay cost of Rs.50,000/- i.e. Rs. 25,000/- to be paid to the Respondent No.2 and Rs. 25,000/- to the **Mumbai Police Welfare Fund bearing Account No.465010100008693, IFSC No. UTIB0000465**, within 3 weeks from today, **through NEFT**.

10. The Petition is allowed, subject to petitioners depositing the abovestated amount within the stipulated period.

11. Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

12. Matter to be listed for recording 'compliance' of the said costs on 5 December 2022.

13. All parties to act on authenticated copy of this order.

R.N.LADDHA, J.

REVATI MOHITE DERE, J.