

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.813 OF 2021

Neha Gauresh Sonar

... Applicant

Versus

The State of Maharashtra & Others.

..Respondents

Mr. Sushant Jadhawar for the Applicant

Mr. J. P. Yagnik, APP for Respondent No.1

Ms. Kranti Bhamare for Respondent No.2 to 5

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

Date : March 21, 2022.

P. C. :

1 Heard learned Counsel for the Applicant, learned APP
for the State and learned Counsel appearing for Respondent Nos.2, 3,
4 and 5.

2 The Applicant - original complainant is approaching
this Court seeking quashment of the proceedings viz.
C.C.No.233/PW/2021 pending in the 17th Metropolitan Magistrate
Court, Borivali arising out of C.R.No.22 of 2019 registered at Vanrai
Police Station, Goregaon for commission of offences punishable under
Sections 498A, 406, 506, 504, 323, 500 read with 34 of the Indian
Penal Code against the Respondents.

3 The marriage between the Applicant and Respondent No.2 Gauresh was solemnized on 3rd December 2017. Though the parents of the Applicant made all necessary arrangements for the marriage and the marriage was solemnized in presence of the relatives and well wishers, soon after the marriage, the Applicant was subjected to ill-treatment and harassment. There were consistent and constant demands for one reason or the other. Then there are also certain other allegations in the report. The sum and substance of the report is the ill-treatment, harassment and illegal possession and custody of stridhan articles. It may not be necessary for us to refer these allegations in detail. A copy of the charge sheet is placed on record. A perusal of the material placed on record further shows that certain articles seized in the process of investigation were handed over to the Applicant by Respondent No.2 by way of an interim custody. It seems that the Applicant had also filed a complaint under the Protection of Women from Domestic Violence Act, 2005 bearing No.DV/487/2018. Due to serious matrimonial discord, the Applicant and Respondent No.2 were staying separately from each other from September 2018 and there was no any possibility of reunion of the parties. The parties decided to part their ways by giving an end to all the pending proceedings

and as the Applicant was desirous of starting a new life and as her parents are also desirous of the better future of their daughter i.e. the Applicant, the parties have settled the terms of agreement and the Applicant approached this Court by present Petition for quashment of the proceedings.

4 A copy of the document under caption "Consent Terms" filed in 7th Family Court, Bandra, Mumbai in Petition No.A-839/2019 is placed on record. Same is taken on record and marked "X" for identification. It is stated in the Consent Terms that the Applicant has agreed that she has not claimed any permanent alimony or maintenance for the present and future and then there is a reference of withdrawal of the proceedings and no-objection by the Applicant for quashing of the proceedings i.e. subject matter of the present Petition. It is also stated in the Consent Terms that due to differences of opinion between the parties, they have mutually agreed that the marriage should be dissolved. The Consent Terms are signed by the parties i.e. the Applicant herein and Respondent No.2 Gauresh Sonar. The Applicant is also personally present in this Court and at a query put to her, she submitted before this Court that the Consent Terms are drawn with her will and wish without there being any pressure or otherwise.

5 The learned Counsel for the Respondents submitted before this Court that Respondent No.2 will file an Affidavit in this Court within two weeks to submit that Respondent No.2 has no-objection to permanently retain the custody of the articles handed over to the Applicant. As the Applicant – complainant is personally present before this Court and submitted that she has no-objection for quashment of the proceedings, in our opinion, continuity of the proceedings would be nothing but a futile exercise. A case is made out for quashment of the proceedings by exercise of our powers under Section 482 of the Code of Criminal Procedure.

6 Accordingly, the Petition is allowed in terms of prayer clause (b), subject to Respondent No.2 filing an Affidavit in this Court in respect of the permanent custody of the articles referred to in the Charge Sheet.

7 The Writ Petition stands disposed of.

[S. M. Modak, J.]

[Prasanna B. Varale, J.]