

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4000 OF 2022**

1. Tarabai Shivram Satpute	]	
2. Sunil Shivram Satpute	]	
3. Pranoti Sunil Satpute	]	Petitioners
Vs.		
1. The State of Maharashtra	]	
2. Neha Nitin Satpute	]	Respondents

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Ms. Shilpa Gajre, for Petitioners.

Mr. K.V. Saste, A.P.P, for Respondent No.1 -State.

Mr. Danish Syed a/w Mr. Deepak Jagdeo, for Respondent No.2.

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**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.**

DATE : 15th DECEMBER, 2022.

ORDER : [Per Prithviraj K. Chavan, J.]

1. Heard learned Counsel for the parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and the petition is taken up for final disposal.

Learned A.P.P waives notice on behalf of the respondent No.1 – State. Mr. Danish Syed, learned Counsel waives notice on behalf of the respondent No.2.

3. By this petition, preferred under Article 226 of the Constitution of India and under section 482 of the Code of Criminal Procedure, the petitioners seek quashing of the criminal proceedings i.e C.C. No.900645/PW/2021 pending before the learned Additional Metropolitan Magistrate 9th Court at Kurla, Mumbai arising out of F.I.R No.288 of 2019 registered with the Mahim Police Station for the alleged offences punishable under sections 498-A, 314, 315, 323, 324, 380, 506 r/w 34 of the Indian Penal Code (for short "I.P.C") and section 2 (1) (b) of the Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. The facts in brief are as under;

5. Petitioner No.1 is the mother-in-law of the respondent No.2, whereas petitioner No.2 is her brother-in-law and petitioner No.3 is the wife of the petitioner No.2. Respondent No.2's husband is an Advocate. They were in love since 2005 and were residing like husband and wife. The respondent No.2 was pregnant and, therefore, her husband accepted her as his wife. However, the petitioner No.1 was against the marriage of the respondent No.2 with her son. Ever since, the respondent No.2 came to co-habit at her matrimonial house, she was repeatedly subjected to mental and physical cruelty by the petitioners. Even during pregnancy of the respondent No.2, she was brutally assaulted by the petitioner No.1 inflicting blows by a stick on her stomach, which had resulted in miscarriage. Petitioner No.1 had driven out the respondent No.2 and her son i.e the husband of the respondent No.2 out of her house. Therefore, they were constrained to take shelter in the house of the respondent No.2's parents. It is also alleged that the petitioner No.1 was demanding Rs.50,00,000/- from the parents of the respondent No.2. Due to continuous physical and metal torture and the repeated assaults

by the petitioner No.1, fetus in the womb of the respondent No.2 died in the womb itself when she was eight month's pregnant.

6. Thereafter also, there was no change in the behaviour of the petitioners. It is specifically alleged that despite birth of daughter on 6th June, 2013, there was no change in the behaviour of the petitioners. Petitioner No.1 is alleged to be a believer in black magic, evil acts and sinister practices. She had, therefore, approached a *mantrik* for getting some black magic done *qua* the respondent No.2 and to sacrifice her. It is alleged that on 16th November, 2015, around midnight, when the respondent No.2 was sleeping, petitioner No.1 literally cut her hair with a scissor. However, the respondent No.2 woke up and made a hue and cry, upon which, her husband came for her rescue. The petitioner No.1 is, however, alleged to have abused and threatened the respondent No.2 and her husband. Ultimately, a report came to be lodged as above and crime came to be registered against the petitioners.

7. Learned Counsel appearing for the petitioners submits that the parties have amicably settled their dispute and as such the respondent No. 2 has no objection if the proceeding i.e. the aforesaid F.I.R and the consequential proceeding arising thereto, are quashed and set aside, in view of the amicable settlement between the parties.

8. Learned A.P.P concedes that apart from sections under the Indian Penal Code, the ingredients of section 2 (1) (b) of the Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013 are not at all attracted and that no material was found during investigation in support of the respondent No.2's claim. Statement so made is accepted.

9. The parties have now amicably settled the dispute. Learned Counsel appearing for the respondent No.2 has tendered affidavit of the respondent No.2 dated 23rd November, 2022 duly affirmed before the Assistant Registrar, High Court Appellate

Side as well as copy of the consent terms entered into between the parties in the Court of learned Additional Chief Metropolitan Magistrate, at Kurla, Mumbai. Along with it, photo copy of the Aadhar Card of the respondent No.2 duly attested by her is annexed. The same is taken on record. The respondent No.2 is present in the Court. Learned Counsel appearing for the respondent No.2 has identified the Respondent No.2 and the learned A.P.P has verified the original Aadhar Card of the respondent No.2.

10. In view of the same, respondent No.2 has no objection for quashing of the proceedings as against the petitioners. When questioned, the respondent No.2 reiterates what is stated by her in the affidavit, that she has no objection to quashing of the proceeding, as against the petitioners.

11. Considering the nature of the allegations, relations between the parties, the consent terms entered into between them, affidavit of the respondent No.2 and having regard to the judicial

pronouncements of the Apex Court in **Gian Singh Vs. State of Punjab and another**¹ **Narinder Singh and others Vs. State of Punjab and another**², there is no impediment in allowing the petition.

12. The petition is accordingly allowed and C.C. No.900645/PW/2021 pending before the learned Additional Metropolitan Magistrate, 9th Court at Kurla arising out of F.I.R No.288 of 2019 dated 27th August, 2019 registered with the Mahim Police Station as against the petitioners for the alleged offences punishable under sections 498-A, 314, 315, 323, 324, 380, 506 r/w 34 of the I.P.C and section 2 (1) (b) of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013, is quashed and set aside.

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

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

14. All concerned to act on the authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.] [REVATI MOHITE DERE, J.]