

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

WRIT PETITION NO.4706 of 2021

Shubhang Arun Ambarsheth and ors.Petitioners

Versus

The State of Maharashtra and anr.Respondents

Mr. Manoj Singh i/b. MKS Legal Associates, advocate for the petitioners.

Ms. A. S. Pai, PP for the State.

Mr. Vivek B. Rane, advocate for respondent No.2.

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.**

DATE : 17th JANUARY, 2022.

P.C. :

1. Heard learned counsel for the petitioners, learned PP for the respondent – State and learned counsel for respondent No.2.

2. The petitioners and respondent No.2 have approached this Court with a joint request for quashing the criminal proceedings bearing C.C.No.4987/PW/2019 pending before the learned Metropolitan Magistrate, 26th Court, Borivali, Mumbai along with FIR No.182 of 2019 registered with Dahisar Police Station, Mumbai.

3. It is submitted before this Court that respondent No.2 lodged a report at Dahisar Police Station against the petitioners, who were her matrimonial relatives, for subjecting her to ill-treatment, harassment and mental torture. On the said report bearing Crime No.182 of 1999,

offences punishable under Sections 498-A, and 323 read with Section 34 of the Indian Penal Code, 1860 came to be registered against the petitioners. It seems post filing of the report, there were other parallel proceedings in the nature of maintenance petition before the competent judicial forum. The petitioner No.1 i.e. husband of respondent No.2 also filed a petition for dissolution of marriage bearing number A-1775/2020 before the Family Court at Bandra, Mumbai. Respondent No.2 has filed an affidavit in this Court on 12th January, 2022. Respondent No.2 is also personally present by way of virtual mode. It is stated in the affidavit of respondent No.2 that the report/FIR lodged against the petitioners was due to confusion/misunderstanding and in the heat of the moment besides the prevailing circumstances at the relevant time. It is stated further that respondent No.2 does not want to pursue the case further and is seeking to end all the litigations in the subject matter and move ahead in life. It is specifically stated in the affidavit that respondent No.2 shall also not depose against the petitioners, either during the trial as the matter is amicably settled between the parties. Then, it is stated in the affidavit-in-reply that the divorce petition filed at the instance of petitioner No.1 was subsequently converted into mutual consent petition and the same was disposed of on 29th November, 2021 in view of the consent terms filed by the parties before the learned Family Court on 6th October, 2021. It is further stated that as per the consent terms, the respondent No.2 as already received payment of Rs.3,00,000/- lakhs from the petitioner No.1,

by way of demand draft and, she has no claim of whatsoever nature against the petitioner No.1 and/or family members. Reliance is also placed on the judgments of the Apex Court in **Narinder Singh and ors. vs. State of Punjab and anr. 2014 AIR SCW 2065**, **Kailash Chandra Agarwal and anr. Versus State of U.P. and ors.** and **Madan Mohan Abbot versus State of Punjab, AIR 2008 SC 1969.**

4. It can, thus, be seen that the matter has been amicably settled between the parties. Perusal of the complaint, makes it clear that the allegations are totally personal in nature. In these circumstances and especially in view of the law laid down by the Apex Court in the case of **B.S.Joshi versus State of Haryana AIR 2003 SC 1386**, we are of the view that no fruitful purpose would be served if the cases are permitted to continue against the petitioners and the same would result only in futility as the parties have decided to settle their dispute amicably and they are willing to move on in their lives by adopting the principle of bygones are bygones. In view of the above referred facts, the criminal proceedings bearing C.C.No.4987/PW/2019 pending before the learned Metropolitan Magistrate, 26th Court, Borivali, Mumbai along with FIR No.182 of 2019 dated 19th April, 2019, registered with Dahisar Police Station, are quashed and set-aside. The writ petition is, accordingly, disposed of.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)