

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4750 OF 2021

Mukul Vakil Chand Jain And Ors. ... Petitioners
Vs.
The State of Maharashtra And Anr. ... Respondents

Mr. Karl Rustomkhan, Advocate for the Petitioners.
Mr. Vaibhav Jagtap, Advocate for Respondent No.2.
Ms. A. S. Pai, Public Prosecutor for Respondent-State.

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

DATE : 29th April, 2022

P.C. (Per S. M. Modak, J.) :-

1. Heard Mr. Karl Rustomkhan, learned advocate for the Petitioners, Mr. Vaibhav Jagtap, the learned advocate for Respondent No. 2 and Ms. A. S. Pai, Public Prosecutor for Respondent-State.

2. This is a Petition filed by the Petitioners for quashing the FIR registered at Mulund Police Station, Mumbai bearing C.R. No.966 of 2021. It was registered on 2nd October, 2021 for the offences punishable under Sections 498-A, 504, 506, 323 read with Section 34 of the Indian Penal Code, on the complaint of Respondent No.2.

3. The Respondent No. 2 married to Petitioner No.1 Mukul Jain, on 20th January, 2007 at Uttar Pradesh. Her parents have gifted various articles during the marriage. However, the Petitioner No. 1 and his relatives started harassing the Respondent No.2-Sheetal Jain. It includes Mother-in-law, Petitioner No.3-Sneh Jain, father-in-law, Petitioner No.2-Vakil Chand Jain, Sister-in-laws, Petitioner No.4-Vibha Jain and Petitioner No.5-Parul. When the Sister-in-law used to visit the matrimonial house, they used to abuse Respondent No. 2 and the Respondent No.2-Sheetal Jain was not treated as a wife but treated as a home servant. Even there is an allegation that the husband used to consume liquor. Respondent No.2 could not sustain the torture and she informed Badot Police Station, District Bagpat, Uttar Pradesh by letter dated 23.08.2021 and she left the matrimonial house. Then Respondent No. 2 has lodged non-cognizable complaint at Mulund Police Station, Mumbai on 07th September, 2021 and on 16th September, 2021, accordingly respondent No.2 filed Police complaint which is registered as an offence under Sections 498-A, 504, 506, 323 read with Section 34 of IPC.

4. However the well-wishers and family members have arranged for interaction between both the families. Now Petitioner No.1 and Respondent No.2 have shifted to new home at Delhi (mentioned in Para

No.7 of affidavit of Respondent No.2). Both the spouses along with their children are residing there.

5. Hence this Petition is filed for quashing the prosecution by consent of Respondent No.2. All these facts are mentioned by Respondent No.2 in her affidavit.

6. Once both have started to reside together at different location, the prosecution will certainly come in their way for living the peaceful married life. They have intended to bury their past unhappy incidents. Hence this is a fit case to exercise power of this Court under Section 482 of Code of Criminal procedure for quashing the prosecution:-

ORDER

- a) Criminal Writ Petition No.4750 of 2021 is allowed.
- b) The FIR bearing C. R. No.966 of 2021 registered at Mulund Police Station, Mumbai for the offence punishable under Sections 498-A, 504, 506 & 323 read with Section 34 of the IPC is quashed and set aside.

(S.M. MODAK, J.)

(PRASANNA B. VARALE, J.)