

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

WRIT PETITION NO. 6209 OF 2021

Pradeep Pramod Shrivastava & Ors.

...Petitioners

Versus

The State of Maharashtra & Anr.

...Respondents

Ms. Chitra Phadke i/b Mr. Ratnesh Dube for the Petitioners.
Adv. Rushda Patel h/f Ms Usha Tanna for Respondent No. 2.
Mr. K. V. Saste, APP for Respondent No. 1-State.

**CORAM : PRASANNA B. VARALE AND
SURENDRA P. TAVADE, JJ.**

DATE : 01st MARCH, 2022.

P.C. :

. Heard learned Counsel for the Petitioners, Respondent No. 2 and the learned APP for the Respondent-State.

2. Petitioners have approached this Court for seeking quashment of FIR No. 116 of 2018, registered with Parksite Police Station, Vikhroli Mumbai, for the offence punishable under Sections 498-A, 354, 323, 504, 506 r/w 34 of Indian Penal Code.

3. The facts giving rise to the present petition can be summarized as under:

Petitioner No. 1 is a husband of Respondent No. 2. Petitioner Nos. 2 and 3 are in-laws of Respondent No. 2. The marriage between

Petitioner No. 1 and Respondent No. 2 was solemnized on 24th February, 2016 at Fortune Landmark Hotel, Indore (Madhya-Pradesh) as per Hindu Vedic Rites and Rituals. In the marriage, parents of Respondent No. 2 spent around Rs.55,00,000/-. They also presented ornaments and other articles to the newly wedded couple. Petitioner No. 1 was serving as a Manger in Godrej Boyce Ltd. After the marriage, Respondent No. 2 was cohabiting with Petitioner No. 1 at Vikhroli, Mumbai. Soon after the marriage, there was discord between Petitioners and Respondent No.2. It is alleged by Respondent No. 2 that Petitioners were demanding money for purchasing a car. The said demand was not fulfilled by the parents of Respondent No. 2, hence, she was being harassed and ill-treated by the Petitioners. Accordingly, Respondent No. 2 lodged FIR No. 116 of 2018 with Parksite Police Station, Vikhroli.

4. In view of the FIR, Investigating Officer carried out investigation and filed a charge-sheet in the Court of learned Metropolitan Magistrate, Court No 31st, Vikroli bearing No. 1288/PW/2018. During the pendency of the said case, Petitioners have filed a petition for divorce by mutual consent. In the said proceedings, the parties have settled their dispute and filed consent terms before the Family Court. The said consent terms are produced on record at Exhibit- D. Respondent No. 2 has also filed an affidavit-in-reply in the present proceedings, wherein she has categorically stated that she agreed to

withdraw all the allegations made against the Petitioners. Similarly, she has given her no objection for quashing the FIR and charge-sheet filed in pursuance thereof.

5. It is also contended that Petitioner No. 2 had filed an application for anticipatory bail before this Court bearing Anticipatory Bail Application No. 829 of 2018, wherein this Court has directed to deposit an amount of Rs.5,00,000/- as surety in the Registry of this Court. It is also contended that Petitioner No. 2 has deposited the said amount. Accordingly, it was agreed between the parties to withdraw all the allegations made against each other. At the time of hearing of this petition, Respondent No. 2 was present in the Court. She admitted the contents of her affidavit-in-reply. On specific query put to her, she reiterated that she has no objection for quashing the FIR and proceedings filed in consequence of the same. Respondent No. 2 also admitted that she received an amount of Rs.5,00,000/- which was deposited by Petitioner No. 1 in the Family Court.

6. Considering the above referred facts, we are of the opinion that continuation of the proceedings arising out of FIR No. 116 of 2018, would be nothing but an act of futility and we are of the opinion that learned Counsel for the Petitioners has made out a case for allowing the petition.

7. In these circumstances and especially in view of the law laid

down by the Apex Court in the case of **B.S.Joshi V/s. State of Haryana AIR 2003 SC 1386** we are of the view that no purpose would be served by keeping the criminal proceedings except burdening the Criminal Courts which are pending already overburdened. In that view of the matter and in the interests of Justice, the subject FIR is required to be quashed.

8. In view of the above, the petition is partly allowed in terms of prayer clause 'a' and 'c'. By modifying the prayer clause 'c', the registry is directed to refund an amount of Rs.4,00,000/- to the Petitioner No. 2 out of Rs.5,00,000/- deposited in this Court pursuant to the order of the learned Single Judge dated 09th August, 2018 in Anticipatory Bail Application No. 829 of 2018. The balance amount of Rs.1,00,000/- be deposited in the account of Legal Services Authority along with the accrued interest.

9. The petition is disposed of accordingly.

(SURENDRA P. TAVADE, J.)

(PRASANNA B. VARALE, J.)