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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.5132 OF 2019

Sachiv Kumar Satyanarayan Sah Petitioners

Vs.

The State of Maharashtra & Ors. Respondents

Mr.Niranjan Mundargi a/w Mr.Nitesh Jaywant Mohite for
the Petitioners

Mrs.Aruna S. Pai, Chief P.P. for the State

Mr.Akash Regillio a/w Mr.Chetan S. Damre for the
respondent no.2 and 3

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

DATED : FEBRUARY 18, 2022

P.C.

1. Heard.

2. The Petitioners are seeking to quash and set aside the charge-sheet in Sessions case No.337 of 2017 in CR No.739 of 2014 pending on the file of the learned Additional Sessions Judge, Dindoshi, Mumbai.

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

4. The petitioner no.1 is son in law of Respondent no.3. The marriage of Petitioner no.1 and daughter of Respondent

no.3 performed on 27.11.2010. After marriage, Petitioner no.1 and his deceased wife (daughter of Respondent no.3 namely Dimple) were staying at Delhi for some period. Thereafter, both of them shifted to Mumbai. Petitioner No.1 was residing along with his wife, parents and brother i.e. Petitioner no.2. On 26.12.2014, wife of Petitioner no.1 committed suicide. Thus, Respondent nos.2 and 3 rushed to Mumbai and made enquiry with Petitioner. They came to know that wife of Petitioner no.1 jumped from the balcony of her house and succumbed to injuries. It is alleged against the Petitioner that Petitioner no.1 and his parents used to demand money from the deceased Dimple. The parents of deceased Dimple provided car to Petitioner. Similarly, they also gave an amount of Rs.8,43,000/- for purchasing flat at Dombivli. It is alleged that inspite of fulfilling demand of Petitioner, their parents were causing ill-treatment to Dimple and ultimately, she committed suicide. Hence, Respondent no.2 filed F.I.R. bearing no.739 of 2014 with MIDC Police Station, Mumbai. It is contended that Petitioner no.1 is having daughter by name Parkhi. She resides along with him. In pursuance of F.I.R. Investigating Officer carried out investigation and filed charge sheet against the Petitioner which is pending before the Sessions court No.337 of 2017.

5. During the pendency of Criminal Case, the dispute went to Family Court for custody of child. In the said proceeding, the parties have settled their dispute amicably. They filed consent terms before Family Court, Mumbai. The copy of the same is produced on record at Exhibit 'D'.

Similarly, Respondent nos.2 and 3 have filed affidavit in reply of present proceeding.

6. It appears from the Deed of Family Settlement / consent and the affidavit of Respondent nos.2 and 3 that they have settled their dispute amicably with the help of friends and relatives. It also appears that the Respondent nos.2 and 3 have agreed to confirm the custody of minor Parkhi with Petitioner no.1 being father. It also appears that Respondent nos.2 and 3 are not interested to proceed with the matter and that they have no objection for quashing of F.I.R. as well as Sessions Case No.337 of 2014 pending before the Sessions Court, Mumbai.

7. During the course of hearing, Petitioner and Respondent were present in court. Respondent nos.2 and 3 have admitted the contents of consent terms. They have affirmed that they filed F.I.R. without any coercion or undue influence. They filed it at their own wish and will. It is also affirmed that they have supported the petition for quashing of criminal proceeding arising out of crime no.739 of 2014.

8. Considering the above facts, we are of the opinion that continuation of proceeding arising out of Crime No.739 of 2014 would be nothing but an act of futility. We are of the opinion that the Petitioner has made out a case for allowing the petition.

9. 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 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.

10. In view of the above facts, petition is allowed in terms of prayer clause (a) and is disposed of accordingly.

(SURENDRA P. TAVADE, J.) (PRASANNA B. VARALE, J.)