

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1150 OF 2023

1. Mr. Rameshwar Uttam Mhatre,
Aged 33 years, Occ : Rickshaw Driver.

2. Jijabai Uttam Mhatre,
Aged 88 years, Occ : Rickshaw Driver.

3. Pravin Uttam Mhatre,
Aged 39 years, Occ : Rickshaw Driver.

4. Bhagyashree Pravin Mhatre
Aged 36 years, Occ : Rickshaw Driver,
All residents of Vithal Smriti Niwas
Dativali Village, Mhasoba Nagar,
Diva (E), District : Thane.

5. Manisha Gurunath Keni
Aged 41 years, Occ : Household.

6. Gurunath D. Keni,
Aged 43 years, Occ : Service,
No.5 and 6, both are residing at
Rakhmabai Niwas, Shiv Mandir,
Chikanghar, Kalyan (W),
Dist. Thane.

.. Petitioners

Vs.

1. The State of Maharashtra
(At the instance of Mumbra Police Station)
Dist. Thane.

2. Sou. Sakshi Rameshwar Mhatre,
Aged 28 years, Occ.Household,
Residing at 203, Sai Sakshi Bldg.,
Diwa Agasan Road, Near Saibaba
Temple, Diva (E), Dist.Thane.

.. Respondents

- Mr. Ganesh Bhujbal, for the Petitioners.
- Mr. Rajesh P. Khobragade a/w. Mr. Sandeep Jadhav, for Respondent No.2.
- Ms. S.D. Shinde, APP for Respondent No.1–State.

**CORAM : SUNIL B. SHUKRE &
M.M. SATHAYE, JJ.**

DATE : 29th MARCH, 2023.

ORAL JUDGMENT (PER : SUNIL B. SHUKRE, J.)

1. Heard.

2. Rule.

3. Rule is made returnable forthwith. With the consent of the parties, the petition is taken up for final disposal at the stage of admission itself.

4. An affidavit of the complainant/Respondent No.2 Smt. Sakshi Rameshwar Mhatre is tendered before this Court by her learned counsel and is taken on record and marked ‘A’ for identification. It shows that Sakshi, who is the wife of Petitioner No.1, has amicably

settled her matrimonial dispute and as a part of the settlement, the husband and wife has agreed to seek mutual divorce and also to seek quashing of the FIR involved in the present petition.

5. Both the husband and wife are personally present before this Court and they are identified by their respective counsels. They state that the settlement which is reflected in the affidavit of the complainant is indeed there in between them and it has been reached amicably and voluntarily. They also state that they would abide by all the terms and conditions of the settlement, and therefore, they are seeking quashing of the present trial.

6. Considering the fact that the dispute is of matrimonial in nature and has no element of public policy in it, we find no difficulty in accepting the settlement so arrived at between the parties.

7. In view of above, we proceed to pass the following order.

O R D E R

(i) The Petition is allowed in terms of prayer clause (a) which reads as under :-

(a) This Hon'ble Court by invoking writ jurisdiction under Article 226 of the Constitution of India, issue appropriate writ, order or direction and the impugned

proceeding in RCC No.2671 of 2021 pending before the Ld. Judicial Magistrate, First Class, Thane arising out of C.R.No.1024 of 2019 registered with the Mumbra Police Station, District Thane for offences punishable u/s.498(A), 420, 506, 494, 34 of IPC may be quashed and set aside.

- (ii) Rule is made absolute in the aforesaid terms;
- (iii) The Petition is disposed of. No costs.

[M.M. SATHAYE, J]

[SUNIL B. SHUKRE, J.]