

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

CRIMINAL WRIT PETITION NO. 1027 OF 2023

Sushant Sakharam Parab and Anr. ...Petitioners

Versus

The State of Maharashtra and Anr. ...Respondents

Ms. Sana Shaikh a/w Maya Updeshi a/w Pratik Thadani a/w Kulsum Shah a/w Hemal Shah a/w Juveria Khan, Advocate for Petitioner.

Mr. Akhil Kupade, Advocate for Respondent No.2.

Mr. Sushant S. Parab, Present in Person (Petitioner No.1).

Mrs. Spruha S. Parab, Present in Person (Respondent No.2).

Ms. S.S. Hulke, APP for the Respondent–State.

PSI – Sonawane (Pairavi), Charkop Police Station.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.**

DATE : 21st MARCH, 2023.

P.C. :-

1. Petitioners are arraigned as accused in First Information Report (for short 'FIR') registered with Charkop Police Station vide C.R. No.58 of 2022 on 12th February, 2022 for offences under Sections 498-A, 406, 313 r/w 34 of Indian Penal Code (for short 'IPC'). The FIR was registered by Respondent No.2.

2. Petitioner No.1 is the husband and Petitioner No.2 is the mother-in-law of Respondent No.2. Marriage was solemnized on 5th May, 2015.

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3. The complainant has alleged that, pursuant to her marriage with Petitioner No.1, she was illtreated by the accused. The complainant learnt that, Petitioner No.1 was in relationship with one lady. There were quarrels between them, on that count. Petitioner No.2 supported Petitioner No.1. In the year 2016 the complainant was pregnant. Petitioner No.1 was insisting that, she should terminate pregnancy. She refused to do so. She delivered the child on 2nd July, 2017. She was again pregnant in the year 2019 and at that time the Petitioner No.1 has forced her to terminate her pregnancy. The complainant was harassed by accused causing physical and mental cruelty. On 15th January, 2022, she left the matrimonial home and went to her parents. The accused misappropriated her ornaments.

4. Learned Advocate for Petitioners submitted that, the parties have resolved the disputes. The Respondent No.2 has agreed to give consent for quashing the FIR. Offence under Section 313 of IPC is not made out. There is no evidence to support the said charge.

5. Learned Advocate for Respondent No.2 submitted that, on account of amicable settlement between the parties, the complainant has no objection for quashing the impugned FIR. He

tendered the affidavit of Respondent No.2 and consent terms executed between the Petitioner No.1 and Respondent No.2. The documents were taken on record.

6. Petitioner No.1 and Respondent No.2 are present in the Court. The Respondent No.2 has confirmed the contents of affidavit-in-reply and stated that, she has no objection for quashing the FIR. As per the consent terms, the Respondent No.2 has agreed to quash the FIR registered with Charkop Police Station vide C.R. No.58 of 2022. Petitioner No.1 has agreed to pay Rs.1,38, 685/- (One lakh thirty eight thousand six hundred and eighty five) to Respondent No.2 in lieu of jewelry/article/shreedhan vide demand draft dated 18th March, 2023 drawn in the affidavit filed by Respondent No.2. It is stated that, Petitioner No.1 has filed Petition for divorce for mutual consent before the Family Court at Bandra. The Respondent No.2 is withdrawing all allegations levelled against the Petitioners in C.R. No.58 of 2022 and has no objection for quashing the FIR.

7. Considering the fact that, parties have arrived at amicable settlement, execution of consent terms and filing of affidavit by Respondent No.2 giving consent for quashing the FIR, the prayers in this Petition can be allowed.

ORDER

- i. First Information Report dated 12th February, 2022 registered with Charkop Police Station vide C.R. No.58 of 2022 is quashed and set aside.
- ii. Petition is disposed off.

[PRAKASH D. NAIK, J.]**[A.S. GADKARI, J.]**