

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

CRIMINAL WRIT PETITION NO.706 OF 2019

1. Sant Kumar Mandelia
 2. Manju Devi Mandelia
 3. Mithilesh Mandelia
 4. Surekha Mandelia
 5. Shalini Mandelia
- ...Petitioners

V/s.

1. The State of Maharashtra
 2. Mrs. Seema W/o Mithilesh Mandelia
- ...Respondents

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Mr. Ashok M. Saraogi, Advocate for the Petitioner.

Ms. Kavita Gandhi, Advocate for Respondent No.2.

Mrs. M.M.Deshmukh, Addl. PP for the Respondent No.1. – State.

Mr. Shivraj Sonawane (P.S.I.) Bhyandar Police Station, present.

Petitioner Nos.1 & 3 and Complainant/Respondent No.2 are present.

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**CORAM : PRAKASH D. NAIK, &
N. R. BORKAR, JJ.**

DATE : 13th DECEMBER, 2023.

P.C.:

1. Leave to amend to annex FIR. Amendment may be carried out forthwith.

2. The Petitioners are challenging the First Information Report (for short 'FIR') dated 20th November 2018 registered with

Bhayandar Police Station, Dist. Thane (Rural) vide Crime No.438 of 2018 at the instance of Respondent No.2 for offences punishable under Sections 498-A, 406 of Indian Penal Code (for short “IPC”).

3. The Petitioner Nos.1 & 2 are father-in-law and mother-in-law, Petitioner No.3 is the husband and Petitioner No.4 & 5 are sisters-in-law of Respondent No.2.

4. The Petitioner No.1 and Respondent No.2 has filed the Petition for dissolution of marriage by consent which is pending before the Court at Ahmedabad.

5. The parties have resolved the dispute. The complainant has no objection for quashing the FIR. She has filed an Affidavit dated 13th December 2023. In Paragraph Nos.5 and 6 of the Affidavit it is stated that though the Respondent No.2 has no objection for quashing the FIR, some precaution is required to be taken. She had come across a post put up by the Petitioner No.5, whereby she had started blaming her she had contending that relations with her husband and due to that they have been facing matrimonial disputes. Though the matter has been settled, the Petitioner No.5 is trying to play with the life of the Respondent No.2. Accordingly necessary precaution is required to be taken by way of an undertaking from the Petitioners that they shall not

defame the reputation of the complainant. The Affidavit is taken on record.

6. Complainant is present in the Court. The Petitioner No.1 & 3 are also present in the Court. It is submitted that the Petitioners will not defame the Respondent No.2 in any manner. The Petitioner No.3 will appear before the concerned Family Court for completing the process for divorce by mutual consent.

7. Considering the aforesaid circumstances, the impugned proceedings can be quashed.

ORDER

- i. Criminal Writ Petition No.706 of 2019 is allowed and disposed of;
- ii. First Information Report No. 438 of 2018 registered with Bhayandar Police Station, Dist. Thane (Rural) is quashed and set aside.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)