



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

WRIT PETITION NO. 4846 OF 2019

Rahul Dhondiram Kusale and others ... Petitioners

Versus

The State of Maharashtra and another ... Respondents

WITH

WRIT PETITION NO. 2575 OF 2023

Vivekanand Dhondiram Kusle and others ... Petitioners

Versus

The State of Maharashtra and another ... Respondents

.....

Mr. Sandesh Jadhav instructed by Mr. Satish Ingale for the Petitioners.

Ms. M.M. Deshmukh, APP for the State.

Mr. Sanchit Chavan instructed by Mr. Vikas Kolekar for Respondent No.2.

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**CORAM : NITIN W. SAMBRE &
N.R. BORKAR, JJ.**

DATED : 26 OCTOBER 2023

P.C. :-

1. In Writ Petition No.4846 of 2019, the petitioners are in-laws of the complainant. Whereas, in Writ Petition No.2575 of 2023, the petitioner no.1 was married to 2nd respondent on 5 November 2016 and petitioner nos.2 and 3 are in-laws of respondent no.2.

2. In both the petitions, the prayer is for quashing of the FIR in Crime No.90 of 2019 registered on 13 February 2019 with Vakola Police Station for the offence punishable under Sections 498A, 323, 504, 506 r/ w. 34 of Indian Penal Code.

3. Our attention is invited to the order dated 2 September 2022 passed by the 8th Joint Judicial Magistrate First Class, Sangli below Exhibit 1 Criminal Misc. Application No.274 of 2019. Respondent-Complainant in the said proceedings have submitted a joint pursis alongwith the petitioner-husband Vivekanand wherein both have agreed to dissolve their marriage and settle all the disputes amicably. It is mentioned in the said order that the respondent-complainant has relinquished her right to claim maintenance. It is further claimed that all the grievances against each other stood resolved and as such decided not to proceed against each other. In view of above, pursuant to the provisions of Section 320 of Cr.P.C., the said proceedings were disposed of.

4. In the present case, on the last date of hearing when confronted the respondent no.2 initially insisted for return of *streedhan* and as such, we passed order dated 13 October 2023 directing the respondent no.2 to explain as to why the *streedhan* was not demanded before the Family Court.

5. Today, when the matter is called out, the learned Counsel for respondent no.2-complainant on instructions informs that all the issues/differences between the parties stood resolved inter se and the respondent no.2-complainant had no intention to pursue the issue of *streedhan* or the present proceedings against the petitioners. He submits that in view of settlement arrived at between the parties, which also binds respondent-complainant, the present proceedings can be disposed of thereby allowing the petitions for quashing.

6. We have considered the aforesaid submissions of the learned Counsel for the respondent no.2 in the light of the contents in the FIR. Apart from the fact that the contents are too general, vague and non-specific, the contents therein are not satisfying the very ingredients of the offence alleged particularly the offence punishable under Section 498A-cruelty, Sections 504, 506-criminal intimidation and simple hurt.

7. It is settled law in view of the Judgment of the Apex Court in the matter of *Kahkashan Kausar alias Sonam & Ors. vs State of Bihar & Ors.*¹, vague, general and non-specific allegations against the family members of the husband cannot be relied upon for pursuing the prosecution against the blood relations. The prayer for quashing is squarely covered, as the FIR discloses non-specific, vague and general allegations that too against all the family members of the husband viz., Vivekanand.

8. That being so, both these petitions stand allowed in terms of prayer clause (a) of the Petitions and also in view of consent extended as observed in para – 5 above.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)

1 (2022) 6 SCC 599