

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 1384 OF 2023**

Pranit Bhanwarlal Chowhan And Ors

...Applicants

Versus

The State Of Maharashtra and Anr.

...Respondents

Mr. Sagar Kothari i/by Mr. Kiran Jain and Co. Advocate for
Petitioner.

Mr. Aditya Pratap i/by Mr. Swapnil Sangle Mrs. Sandya Jadhav for
Respondent No.2.

Mrs. M. H. Mhatre, APP for Respondent-State.

PSI M. B. Dhumal, Bhoiwada Police Station is present.

Ms. Ankita R. Porwal- Respondent No.2 is present.

Mr. Pranit B. Chowhan-Applicant No.1 is present.

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

DATE : 28th NOVEMBER 2023

P.C.:-

1. Leave to amend the prayer clause. Amendment to be carried out forthwith.
2. This is an application for quashing criminal proceedings in case No. 124/PW/2022 pending on the file of the learned Metropolitan Magistrate, 29th Court, Bhoiwada, Dadar, Mumbai arising out of F.I.R. No. 373 of 2021 registered with Bhoiwada, Police Station, Dadar for offences punishable under Sections 498-A, 406, 504 read with 34 of the Indian Penal Code, 1860. The FIR was registered on 6th July 2021.

3. Applicant No.1 is the husband, Applicant Nos.2 and 3 are father-in-law and mother-in-law of Respondent No.2.
4. The applicant No.1 and respondent No.2 had moved the Family Court for obtaining divorce by mutual consent which has been granted vide order dated 21st November 2023.
5. Joint prayer is made by parties to quash the impugned proceedings by consent of respondent No.2. The consensus for quashing the proceedings by consent is arrived at in view of amicable settlement between the parties. The outcome of FIR and charge-sheet is on account of matrimonial discord between complainant and her husband and his family members. The respondent No.2 has expressly consented for quashing the subject proceedings.
6. Applicant No.1 and Respondent No.2 are present in the Court. Respondent No.2 has filed affidavit consenting for granting relief sought in this application. The respondent No.2 has also filed additional affidavit claiming return of property seized during investigation and seeking assurance from applicant No.1 not to post any comments about relationship with respondent No.2 and their past differences. She has annexed screen shot of one of such post on social media.
7. Considering the fact that, dispute had arisen on account of matrimonial discord between the parties and since the parties have resolved to put an end to the proceedings amicably, there is no impediment in

allowing the application and quash the charge-sheet. The applicant No.1 undertake not to circulate post on social media in relation to subject proceedings or relationship between parties.

ORDER

- (i) Criminal Application No.1384 of 2023 is allowed.
- (ii) Criminal Proceedings in case No. 124/PW/2022 pending on the file of the learned Metropolitan Magistrate, 29th Court, Bhoiwada, Dadar, arising out of F.I.R. No. 373 of 2021 registered with Bhoiwada, Police Station, Dadar, Mumbai are quashed and set aside.
- (iii) Both the parties shall refrain from resorting to social media in respect of their relationship or any proceedings ensued between them.
- (iv) Items reflected in the additional affidavit filed by Respondent No.2 if seized during the investigation be returned to complainant/Respondent No.2.
- (v) Application stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)