

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.3794 OF 2022**

Kapil Shivaji Thombare & Ors.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Ms. Amruta Devkat, i/b Mr. Sohan Gunjal, for the Petitioners.

Mr. R.M. Pethe, APP for Respondent No.1-State.

Mr. Aditya Raktade, with Mr. Anup Kamble and Mr. Dnyanesh Patil, for Respondent No.2.

CORAM : SARNAG V. KOTWAL AND**DR. NEELA GOKHALE, JJ.****DATE : 8th OCTOBER 2024.****P.C.:-**

1) This is a Petition filed by the Petitioners for quashing the FIR registered at Shahupuri Police Station, Kolhapur vide C.R.No. 288 of 2022 under Sections 323, 498-A, 504 and 506 read with 34 of the Indian Penal Code, 1860 ('IPC'). Investigation was carried out and charge-sheet was filed. As of today proceedings are pending before the Chief Judicial Magistrate, Kolhapur vide R.C.C.No.1076 of 2023. The Petitioners are seeking quashing of this proceeding.

2) The First Informant is the Respondent No.2 herein. She had filed FIR against the Petitioners. Petitioner No.1 is her husband.

Petitioners No.2 and 3 are parents of the Petitioner No.1. Petitioner No.4 is his brother and Petitioner No.5 is his sister. Allegations in the FIR and the charge-sheet are that Respondent No.2 got married with Petitioner No.1 on 14th February 2022. FIR thereafter mentions that her in-laws took her ornaments and did not return them. The other allegation is that there was demand of Rs.15 Lakhs by way of dowry. Petitioners No.1 and 4 are working in the USA. The Respondent No.2 herself had gone to USA in March 2022. However, according to her, Petitioner No.1 was harassing her. Therefore, she returned to India. In the meantime, Petitioner No.4 had threatened Respondent No.2 and her father. There are allegations that all the Petitioners were forcing her to give divorce to Petitioner No.1. On this basis, FIR was lodged. Investigation was carried out and charge-sheet was filed.

3) During the pendency of this proceeding, now the matter is settled between the parties. Respondent No.2 has filed an Affidavit dated 5th July 2024 duly affirmed before a Notary Public. Paragraph 2 of the said Affidavit mentions that she has amicably settled the matrimonial dispute with the Petitioner and has filed petition for divorce vide Mutual Consent Divorce Petition No.871 of 2024 before the Family Court, Pune and that she does not wish to prosecute

Petitioners. She has decided to move ahead in life. In paragraph 4, she has specifically stated that she has no objection if the FIR along with the charge-sheet are quashed and set aside. Affidavit further mentions terms of settlement.

3) The dispute between the parties is purely personal in nature. Parties have decided to move ahead in life. Respondent No.2 has given her no objection for quashing of the proceeding. She is present in the Court and is identified by her counsel. Considering the situation, we are inclined to allow this Petition in the interest of justice. Continuation of the proceeding in this situation would be abuse of process of law. Hence, the following order:

(i) FIR registered vide C.R.No. 288 of 2022 at Shahupuri Police Station, Kolhapur and the consequent Criminal Proceeding, i.e., R.C.C.No. 1076 of 2023 pending before the Chief Judicial Magistrate, Kolhapur are quashed and set aside.

4) Petition is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)