

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

CRIMINAL APPLICATION NO. 28 OF 2024

1. Rakshit Kishore Dalal
 2. Mrs. Pallavi Kishore Dalal
- ..Applicants

v/s.

The State of Maharashtra & Anr. ..Respondents

Mr. Rahil Ahmed Siddiqui a/w. Adv. Rekha Singala for the Applicant.

Mr. Nilesh Gala i/b. Adv. Manish Gala for the Respondent No.2.

Mrs. Rutuja Ambekar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI, &
N. R. BORKAR, JJ.**

DATED : 18th JANUARY, 2024.

P.C.

1. The applicant has sought to quash FIR No. 129 of 2022 registered with V.P. Road Police Station, Mumbai for the offences punishable under Section 498A, 406, 323, 504 r/w. 34 of the Indian Penal Code, and Criminal Case No. 544/PW/2022 arising therefrom, pending on the file of Id. Addl. Chief Metropolitan Magistrate, 4th Court, Girguam, Mumbai.

2. The aforesaid crime was registered pursuant to the FIR lodged

PRASANNA
PRADEEP
SALGAONKAR
Digitally
signed by
PRASANNA
PRADEEP
SALGAONKAR
Date:
2024.01.22
18:34:23
+0530

by the respondent no.2 against her husband and mother-in-law.

3. Learned Counsel for the applicant and respondent no.2 state that both the parties have settled their dispute amicably. That the applicant and respondent no.2 have reconciled and have agreed to live together as husband and wife. Learned Counsel for the respondent no.2 has placed on record affidavit filed by the respondent no.2. The respondent no.2 is present before us. She is identified by her advocate. Respondent no.2 has confirmed the contents of the affidavit and has reiterated that the matrimonial dispute is settled and that she has joined the matrimonial home.

4. We are of the considered view that the settlement is genuine and voluntary. Since the parties have put an end to the matrimonial dispute, continuance of the criminal proceedings which essentially emanates from the marital discord will be futile exercise and will be an abuse of process of law. Hence, this is a fit case to exercise discretion under section 482 of Cr.P.C.

5. The application is allowed in terms of prayer clause (a).

. FIR No. 129 of 2022 registered with V.P.Road Police Station,

Mumbai and Criminal Case No.544/PW/2022 pending on the file of Addl. Chief Metropolitan Magistrate, 4th Court, Girgaum, Mumbai, is quashed.

. Application stands disposed of.

(N.R.BORKAR, J.)

(ANUJA PRABHUDESSAI, J.)