

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 135 OF 2024

Nikhil Manoj Thakkar and another ... Petitioners

Versus

State of Maharashtra and another ... Respondents

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Mr. Santosh Chari for the Petitioners.

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

Mr. Subhash Jaiswar for Respondent No.2.

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

DATED : 19 JANUARY 2024

P.C. :-

1. Learned Counsel for the Petitioners seeks leave to amend prayer clause (b) by substituting words “V.P. Road Police Station” with “Tardeo Police Station”. Leave granted. Amendment to be carried out forthwith.

2. By this Petition filed under Article 226 of the Constitution of India, the Petitioners seek to quash First Information Report No.200 of 2020 registered at Tardeo Police Station for the offences punishable under Sections 498-A, 377, 406 of Indian Penal Code r/w. Sections 4, 6 of the Dowry Prohibition Act, 1961 as well as Criminal Case No.425/PW/2021 pending on the file of Addl.

Chief Metropolitan Magistrate, 4th Court at Girgaum, Mumbai.

3. The aforesaid crime was registered pursuant to the F.I.R. lodged by Respondent No.2. The marriage of Respondent No.2 and Petitioner No.1 was solemnized on 31 May 2019. Respondent No.2 lodged the F.I.R. on 7 August 2020 alleging that her husband and mother-in-law had subjected her to physical and mental cruelty. On the basis of the said allegations, crime came to be registered and upon completion of investigation, charge-sheet came to be filed.

4. Learned Counsel for the Petitioners and the Respondent No.2 state that the parties have settled the matrimonial dispute and that they have filed the consent terms in M.J. Petition No.685 of 2021 pending before the Family Court, Mumbai. A copy of the consent terms is annexed at Exhibit 'B'. Respondent No.2 has also filed her Affidavit stating that the dispute is amicably settled as per the terms filed before the Family Court, Mumbai and that she does not wish to proceed with the criminal proceedings arising from F.I.R. No.200 of 2020.

5. Respondent No.2 is present before the Court. She is

identified by her Advocate. Respondent No.2 admits her signature on the Affidavit and confirms the contents of the Affidavit and has given her no objection to quash the F.I.R. as well as criminal proceedings against the Petitioners. She admits having received Rs.15 Lakhs as mentioned in clause 9(a) of the consent terms.

6. In our considered view, the settlement is voluntary and genuine. Since the crime emanates from the matrimonial dispute, which has been settled amicably, continuance of criminal proceedings will be an abuse of process of law. Hence, this is a fit case to exercise powers under Article 226 of the Constitution of India, and to quash the proceedings to secure the ends of justice. Hence the following order :

- (i) Writ Petition is allowed.
- (ii) First Information Report No.200 of 2020 registered at Tardeo Police Station as well as Criminal Case No.425/PW/2021 pending on the file of Addl. Chief Metropolitan Magistrate, 4th Court at Girgaum, Mumbai stand quashed.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)