

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

CRIMINAL WRIT PETITION NO.184 OF 2024

Vishal Manohar Sarfare and Ors.

...Petitioners

Versus

The State of Maharashtra and
Anr.

...Respondents

....

Mr. Amit Singh i/b. Mr. Mithun Khaire for the Petitioners.

Mr. Ajay Patil, APP for Respondent No.1-State.

Mr. Ritesh Karkera for Respondent No.2.

Mr. Vishal Sarfare, Petitioner No.1, present.

Mrs. Shraddha Sarfare, Respondent No.2 present.

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

DATED: 24th JANUARY, 2024.

P.C.:-

1. The Petitioners seek to quash the FIR No.394 of 2022 registered at Vikhroli Police Station, Mumbai, for the offences punishable under Sections 323, 406, 498-A,, 500, 504 and 506 r/w 34 of the IPC.

2. The aforesaid crime was registered pursuant to the FIR lodged by Respondent No.2. The marriage of Respondent No.2 and Petitioner No.1 was solemnised on 22/04/2021. It is stated that

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Respondent No.2 is living with her parents since 08/09/2021. She has lodged the FIR on 03/06/2022 alleging physical and mental cruelty.

3. Learned counsel for the Petitioners and Respondent No.2 state that the parties have settled the dispute amicably. They have applied for divorce by mutual consent and that the domestic violence proceedings have already been withdrawn. Respondent No.2 has filed her affidavit wherein she has given her no objection to quash the FIR in view of amicable settlement. Respondent No.2 is present before the Court. She is identified by her Advocate. She confirms the contents of the affidavit. She reiterates that the matter has been amicably settled. She has admitted having received cash of Rs.25,000/- and cheque for an amount of Rs.50,000/-. She has given no objection to quash the FIR.

4. In our considered view the settlement is genuine and voluntary. Considering the nature of the offence and the fact that the parties have settled the dispute amicably, continuance of criminal proceedings will be an exercise in futility and will be an abuse of

process of the Court.

5. Under the circumstances, the petition is allowed. FIR No.394 of 2022 registered at Vikhroli Police Station, Mumbai, stands quashed.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)