

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1298 OF 2022

Gaurav Arya and others ... Petitioners

Versus

State of Maharashtra and another ... Respondents

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Mr. Rahul Moghe instructed by Ms. Kalyani Rathod for the
Petitioners.

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

Mr. Saurabhsai Ganesan for Respondent No.2.

API Arjun Jadhav, Dadar Police Station, present.

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

DATED : 17 JANUARY 2024

P.C. :-

1. By this Petition filed under Article 226 of the
Constitution of India, the Petitioners seek to quash First Information
Report No.182 of 2019 registered with Dadar Police Station for
offences punishable under Sections 498-A, 377, 406, 323, 324, 504,
506 r/w. 34 of Indian Penal Code and Sections 3, 4 of the Dowry
Prohibition Act, 1961 and the proceedings in C.C. No.26/PW/2021
arising therefrom, pending before the Additional Metropolitan
Magistrate, 5th Court, Bhoiwada, Dadar.

2. The aforesaid crime was registered pursuant to the F.I.R. lodged by Respondent No.2.

3. Marriage of Petitioner No.1 and Respondent No.2 was solemnized on 1 December 2011. Respondent No.2 had lodged the F.I.R. on 15 July 2019 alleging that her husband and his family members had subjected her to physical and mental cruelty.

4. Learned Counsel for the Petitioners and Respondent No.2 state that the parties have settled the matrimonial dispute. It is stated that the consent terms are filed in Marriage Petition i.e. Petition No.A-669 of 2015 pending before the Family Court, Bandra, Mumbai. Copy of the consent terms is placed on record at Exhibit 'A' (page No.418). Respondent No.2 has also filed her consent Affidavit stating that the dispute is amicably settled. She has given her no objection to quash the F.I.R. and criminal proceedings.

5. Respondent No.2 is present before the Court. She is identified by her Advocate. She has confirmed the contents of the consent Affidavit and has given no objection to quash the F.I.R. and

the criminal proceedings.

6. In our considered view, the settlement is voluntary and genuine. Since the parties have put to an end to the matrimonial dispute, continuance of criminal proceedings will be a futile exercise and will amount to an abuse of process of Court. Hence, in our considered view, 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 in terms of prayer clause (a).
- (ii) F.I.R. No. 182 of 2019 registered at Dadar Police Station and the proceedings in C.C. No.26/PW/2021 arising therefrom, pending on the file the Additional Metropolitan Magistrate, 5th Court, Bhoiwada, Dadar stand quashed and set aside.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)