

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

WRIT PETITION NO. 4289 OF 2021

Purvin Prafulbhai Shah

..Petitioner

v/s.

Nikita Purvin Shah & Anr.

..Respondents

**WITH
WRIT PETITION NO. 4796 OF 2021**

Jayesh Chunilal Shah & Anr.

..Petitioner

v/s.

Nikita Purvin Shah & Anr.

..Respondents

**WITH
WRIT PETITION NO. 505 OF 2022**

Charuben Prafulbhai Shah & Anr.

..Petitioner

v/s.

Nikita Purvin Shah & Anr.

..Respondents

Mr. Sanjay Singh for the Petitioners.
Mr. Mukesh Pabari for the Respondent No.1.
Ms. Rutuja Ambekar, APP for the State.
Nikita Shah present in Court.
PSI N.T.More Borivali P.Stn. Present.

**CORAM : ANUJA PRABHUDESSAI, &
N. R. BORKAR, JJ.
DATED : 2nd JANUARY, 2024.**

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1. At the outset, learned Counsel for the petitioners state that during the pendency of these petitions, chargesheet came to be filed and that Criminal Case No.2634/PW/2023 is filed before Metropolitan Magistrate, 26th Court, Borivali, Mumbai. He seeks leave to amend the prayer clause. Leave granted. Amendment to be carried out forthwith.

2. The petitioners herein seek to quash C.R.No.67 of 2021 registered at Borivali Police Station and consequent Criminal Case No. 2634/PW/2023 pending on the file of Metropolitan Magistrate, 26th Court, Borivali, Mumbai, for the offences punishable under Section 498A, 406, 504, 506 r/w. 34 of the Indian Penal Code.

3. The marriage of the respondent no.1 and Purvin Shah (petitioner in WP/4289/2021) was solemnized on 6th December, 2007. They have one child from the said wedlock. Matrimonial dispute between the parties led to filing of the FIR No.67 of 2021, wherein the respondent no.1 has leveled allegations of cruelty against her husband as well as the family members of her husband (petitioners in WP/505/2022 and WP/4796/2021).

4. The respondent no.1 has filed her affidavit stating that they have settled the matter amicably. She has further stated that she has also filed mutual divorce petition before the Family Court, Ahmedabad. She claims that she has received her entire Stridhan along with her jewelry and other articles. In addition, Rs.19,70,000/- towards one time permanent alimony and maintenance, vide Demand Draft dated 25.09.2023 drawn on HDFC Bank. She has stated that since the matter has been settled amicably, she does not wish to proceed with the aforesaid criminal cases pending before the Metropolitan Magistrate, 26th Court, Borivali, Mumbai.

5. The respondent no.1 is present before the Court. She states that the suit for divorce has been decreed on 26.12.2023. She confirms the contents of the affidavit dated 09.11.2023 and further states that she does not wish to proceed against her husband and his family members.

6. The aforesaid crime arises from the matrimonial dispute. The parties have decided to settle the matrimonial dispute amicably.

We are satisfied that the settlement is voluntary. Considering the said fact and the decisions of the Apex Court in ***B.S. Joshi & Ors. vs. State of Haryana. (2003) 4 SCC 675, Jitendra Raghuvanshi & Ors. vs. Babita Raghuvanshi & Ors (2013) 4 SCC 58,*** and ***Rangappa Javoor vs. State of karnataka 2023 Livelaw SC 74,*** in our considered view the C.R. and the consequent criminal proceedings can be quashed by exercising power under Article 226 of the Constitution, and even 482 of Code of Criminal Procedure.

7. Hence the petitions are allowed in terms of prayer clause (a).

. Crime No. 67 of 2021 registered with Borivali Police Station, and the consequent Criminal Case No.2634/PW/2023 pending on the file of Metropolitan Magistrate, 26th Court, Borivali, Mumbai, for the offences punishable under Section 498A, 406, 504, 506 r/w. 34 of the Indian Penal Code stand quashed.

. The writ petitions are disposed of.

(N.R.BORKAR, J.)

(ANUJA PRABHUDESSAI, J.)