

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

CRIMINAL APPLICATION NO.1120 OF 2022

Sopan Eknath Jamdade and Anr. ...Applicants

Versus

The State of Maharashtra and
Anr. ...Respondents

....

Mr. S.P. Wakode with Mr. Vishal L. Kolekar for the Petitioners in WP/904/2023 and for Respondent No.2 in APL/1120/2022.

Mr. Rajendra Tajane with Ms. Yojna Jaje and Ms Rashmi Bhandarkar for the Applicants in APL/1120/2022 and for Respondent No.2 in WP/904/2023.

Mr. Vilas Tambe, PSI, Dindoshi Police Station, Mumbai, present.

CORAM: SMT. ANUJA PRABHUDESSAI &

N.R. BORKAR, JJ.

DATED: 24th JANUARY, 2024.

P.C.:-

1. The Applicant seeks to quash the C.R. No.859 of 2021 registered with Dindoshi Police Station, Mumbai, for the offences punishable under Sections 354, 324, 427, 323, 504 and 506 r/w 34 of the IPC and Criminal Case No.1470 of 2023 arising therefrom and pending on the file of 67th Metropolitan Magistrate, Borivali.

2. The aforesaid crime was registered pursuant to the FIR

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lodged by Respondent No.2. Learned counsel for the Applicants and Respondent No.2 state that the parties have settled the dispute amicably. Respondent No.2 has filed her affidavit wherein she has stated that the dispute has been amicably resolved and that she does not wish to proceed with the criminal proceedings against the Applicants.

3. Respondent No.2 is present before the Court. She has been identified by her Advocate and she has confirmed the contents of the affidavit. She reiterates that the dispute has been amicably settled.

4. The aforesaid crime and criminal proceedings is an offshoot of matrimonial dispute between Petitioner No.2 and son of Respondent No.2 herein. Said matrimonial dispute has been amicably settled. Since the parties have put an end to the dispute and have arrived at consent terms, which in our considered view are voluntary and genuine, continuance of criminal proceedings will be an exercise in futility and abuse of process of law.

5. Under the circumstances, the application is allowed. C.R. No.859 of 2021 registered with Dindoshi Police Station, Mumbai, and Criminal Case No.1470 of 2023 arising therefrom and pending on the file of 67th Metropolitan Magistrate, Borivali, stand quashed.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)