

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

CRIMINAL APPLICATION NO.1594 OF 2023

Jayesh Manohar Harpalani and
Anr.

...Applicants

Versus

The State of Maharashtra and
Anr.

...Respondents

....

Mr. Hemant J. Dube i/b. Mr. Rajesh H. Mishra and Ms Komal Vishwakarma for the Applicants.

Mr. Dilip Shinde with Mr. Gajendra Wanti for Respondent No.2.

Ms Rutuja Ambekar, APP for Respondent No.1-State.

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

DATED: 24th JANUARY, 2024.

P.C.:-

1. At the outset, learned counsel for the Applicants seeks leave to amend prayer clause (b) of the application as to incorporate Criminal Case No.2070/PW/18 pending on the file of learned Metropolitan Magistrate's 17th Court, Borivali, Mumbai. Leave is granted. Amendment to be carried out forthwith.

2. By this application, the Applicant seeks to quash the FIR No.111 of 2017 registered with Vanrai Police Station, Goregaon

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(East), Mumbai, for the offences punishable under Sections 498A, 403, 406 r/w 34 of the IPC and C.C. No.2070/PW/18 arising therefrom and pending before Metropolitan Magistrate's 17th Court, Borivali.

3. The aforesaid crime was registered pursuant to the FIR lodged by Respondent No.2. Marriage of Respondent No.2 and Applicant No.1-husband was solemnized on 15/02/2009. Respondent No.2 lodged the FIR on 23/05/2017 alleging that she was subjected to physical and mental cruelty at the hands of her husband and his relatives.

4. Learned counsel for the Applicants and Respondent No.2 state that the parties have resolved the dispute amicably. They have placed on record copy of the consent terms at Exhibit-B filed in Petition No.A-2620 of 2015, Family Court at Bandra, Mumbai. Respondent No.2 has also filed her consent affidavit stating that the matrimonial dispute has been amicably resolved and by judgment dated 28/12/2021 the Family Court has granted divorce by mutual consent under Section 13(b) of the Hindu Marriage Act.

Respondent No.2 is present before the Court. She reiterated that the matrimonial dispute is amicably settled and she has given no - objection to quash the FIR.

5. In our considered view the settlement is genuine and voluntary. Since the parties have decided to put an end to the matrimonial dispute, continuance of criminal proceedings will be sheer abuse of process of law.

6. Hence, the application is allowed in terms of prayer clause (b). The FIR No.111 of 2017 registered with Vanrai Police Station, Goregaon (East), Mumbai and C.C. No.2070/PW/18 arising therefrom and pending before Metropolitan Magistrate's 17th Court, Borivali, stand quashed.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)