

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

WRIT PETITION NO. 1 OF 2024

1) Nimit Bhagwandas Gajjar
2) Nalini Bhagwandas Gajjar ..Petitioners

v/s.

The State of Maharashtra & Anr. ..Respondents

Ms. Sukeshi Bhandari a/w. Mr. Akshay Chauhan for the Petitioner.
Mr. Ramesh Gupta for the Respondent No.2.
Respondent No.2 present in Court.
Ms. Rutuja Ambekar, APP for the State.

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

DATED : 2nd JANUARY, 2024.

P.C.

1. By this petition filed under Article 226 of the Constitution, the petitioners seek to quash the First Information Report No. 808 of 2023 registered with Borivali Police Station, Mumbai for the offences punishable under Sections 498A, 323, 324, 504, 506 r/w. 34 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the FIR lodged by the Respondent No.2. The marriage of the first informant and

Digitally
signed by
PRASANNA
PRADEEP
SALGAONKAR
Date:
2024.01.04
17:08:35
+0530

the Petitioner No.1 was solemnized in the year 2009. The Respondent No.2 lodged an FIR alleging that her husband would constantly assault and abuse her. She had also leveled the allegations of cruelty against her mother-in-law (Petitioner No.2).

3. The Respondent No.2 has filed her affidavit stating that they have resolved the dispute amicably and that she has no grievance against the Petitioners. The Respondent No.2 is present before the Court. She has stated that she is presently living in her matrimonial home along with the Petitioners and that she has no grievance against both the Petitioners.

4. Considering the fact that the FIR emanates from the matrimonial dispute, and that the parties have resolved their differences amicably and in view of 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 FIR can be quashed by exercising power under Article 226 of the Constitution, and even 482 of Code of Criminal Procedure.

5. Hence, the petition is allowed in terms of prayer clause (a).
FIR No. 808 of 2023 registered with Borivali Police Station,
Mumbai, for offences under Section 498A, 323, 324, 504, 506 r/w.
34 of Indian Penal Code, stands quashed.

6. Petition stands disposed of.

(N.R.BORKAR, J.)

(ANUJA PRABHUDESSAI, J.)