

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

CRIMINAL WRIT PETITION NO.314 OF 2024

Vinit Kanaiyalal Darji & Ors.

.... Petitioners

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Rajat R. Gadhvi, Advocate for Petitioners.
- Smt. M. H. Mhatre, APP for the State/Respondent.
- Mr. Shailendra Mishra, Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL &
DR. NEELA GOKHALE, JJ.
DATE : 11th NOVEMBER, 2024**

P.C. :

1. This Petition is filed for quashing of the FIR, registered vide C.R.No.719/2023 at Vakola Police Station, Mumbai, on 11/08/2023 u/s 498-A, 323 r/w 34 of the Indian Penal Code. During the pendency of this Petition, the charge-sheet is filed. This Petition was originally filed for quashing of the FIR on the merits of the matter. However, during the pendency of the Petition, the parties settled the matter and today the prayer is made for quashing of the proceedings on the ground of settlement. In the meantime, a Divorce Decree on mutual

consent is also passed by the Family Court No.1 at Ahmedabad in Family Suit No.1674 of 2024 dated 06/09/2024.

2. Considering this development, leave to amend is granted to the Petitioners to annex a copy of the charge-sheet and a copy of divorce decree, to make the necessary amendment in the prayer clause and to add the necessary grounds. The amendment shall be carried out forthwith.
3. Heard Mr. Rajat R. Gadhvi, learned Counsel for the Petitioners, Mr. Shailendra Mishra, learned counsel for the Respondent No.2 and Smt. M. H. Mhatre, learned APP for the State.
4. The FIR is lodged by the Respondent No.2. She is at present in Qatar. She is represented by her counsel. He has tendered an affidavit giving no objection for quashing of the FIR and the charge-sheet. The affidavit is taken on record.
5. The Respondent No.2 has stated that the Petitioner No.1 is her husband and the Petitioner Nos.2 and 3 are his

parents. The Petitioner No.1 and the Respondent No.2 were working when they developed a love relationship and decided to get married. The Petitioners opposed this alliance. However, they got married on 30/11/2018 through registered marriage in the Court at Ahmedabad. After the marriage, the Respondent No.2 started residing with the Petitioners at Vadodara. There are allegations that the Petitioner No.2 i.e. the mother-in-law of the Respondent No.2 used to taunt her for not bringing sufficient dowry. The Respondent No.2 was compared with the Petitioner No.2's elder daughter-in-law. The FIR goes on mentioning that even the Petitioner No.1 did not treat her properly. He wanted to go to Canada. The Respondent No.2 did not want to go there, but she conceded to his wish. The FIR further mentions that the Petitioner No.1 continued harassing her. There are allegations that he was having some relationship with another lady. There are other allegations that the Petitioners kept her Stridhan with themselves. On these allegations, the FIR is lodged.

6. The investigation was carried out and the charge-sheet was filed. The charge-sheet contains the statements of the

Respondent No.2 by way of First Information Report and other documents which support her allegations.

7. Now the matter is settled between the parties. They have obtained divorce by mutual consent. The Respondent No.2 has filed an affidavit giving her specific no objection for quashing of the FIR and the consequent charge-sheet. The dispute between the parties is purely personal in nature. The affidavit mentions the C.R. No.719/2023 of Vakola Police Station and also mentions the charge-sheet bearing C.R. No.517/2023 filed in the Court of Metropolitan Magistrate, 71st Court, Bandra, Mumbai.

8. Considering the private nature of the dispute and the settlement arrived between the parties, the Petition can be allowed.

9. Hence, the following order :

ORDER

(i) The FIR registered vide C.R.No.719/2023 at

Vakola Police Station, Mumbai and the consequent charge-sheet qua the Petitioners, are quashed and set aside.

(ii) The Petition is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)